

UNPUBLISHED

**UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*

v.

SAHARA SIMON, a/k/a Soukee, a/k/a  
Juliet,

*Defendant-Appellant.*

No. 01-4636

Appeal from the United States District Court  
for the Southern District of West Virginia, at Charleston.  
Joseph Robert Goodwin, District Judge.  
(CR-01-60-2-8)

Submitted: February 25, 2002

Decided: March 19, 2002

Before WIDENER, NIEMEYER, and LUTTIG, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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**COUNSEL**

Carl J. Roncaglione, Jr., Charleston, West Virginia, for Appellant.  
Charles T. Miller, United States Attorney, John J. Frail, Assistant  
United States Attorney, Charleston, West Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See  
Local Rule 36(c).

**OPINION**

## PER CURIAM:

Sahara Simon appeals her conviction and the sentence imposed by the district court following her guilty plea to distribution of cocaine base in violation of 21 U.S.C.A. § 841(a)(1) (West 1999). Counsel has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Counsel states there are no meritorious issues for appeal, but suggests on Simon's behalf that the district court erred in determining her sentence. Simon has not filed a pro se supplemental brief, although she was informed of her right to do so. Finding no reversible error, we affirm.

Simon contends the district court erred in sentencing her to thirty-seven months of imprisonment. However, because Simon's sentence was within the properly calculated sentencing guidelines range and less than the statutory maximum sentence, it is not reviewable. *See United States v. Porter*, 909 F.2d 789, 794 (4th Cir. 1990).

Pursuant to *Anders*, we have reviewed the record and find no error. Accordingly, we affirm Simon's conviction and sentence. This court requires that counsel inform his client, in writing, of her right to petition the Supreme Court of the United States for further review. If the client requests a petition be filed, but counsel believes such a petition would be frivolous, then counsel may move in this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on the client. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

*AFFIRMED*