

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-4985

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

KENNETH RAYMOND PAYNE, JR.,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Durham. N. Carlton Tilley, Jr., Chief District Judge. (CR-00-98)

Submitted: April 30, 2002

Decided: May 31, 2002

Before KING and GREGORY, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Thomas N. Cochran, Assistant Federal Public Defender, Greensboro, North Carolina, for Appellant. Anna Mills Wagoner, United States Attorney, Clifton T. Barrett, Assistant United States Attorney, Randall S. Galyon, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Kenneth Raymond Payne, Jr., pled guilty under a plea agreement to one count of being a felon in possession of a firearm in violation of 18 U.S.C.A. §§ 922(g)(1), 924(a)(2) (West 2000). The district court sentenced him to 120 months in prison and three years of supervised release. The district court ordered the sentence to run concurrently with the twelve-month sentence Payne was serving for possession with intent to sell and deliver cocaine and possession of stolen goods, and consecutively to all other state sentences he was currently serving. Payne's attorney filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967), raising the issue of whether Payne's sentence was unfairly harsh. Payne was informed of his right to file a pro se supplemental brief but has not done so.

In accordance with Anders, we have reviewed the entire record and have found no meritorious issues for appeal. We therefore affirm Payne's conviction and sentence. We deny counsel's motion to withdraw and require that counsel inform his client, in writing, of his right to petition the Supreme Court of the United States for further review. If the client requests that a petition be filed, but counsel believes that such 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