

UNPUBLISHED

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

UNITED STATES OF AMERICA, <i>Plaintiff-Appellee,</i>
v.
LARRY CANN, JR., <i>Defendant-Appellant.</i>

No. 01-4989

Appeal from the United States District Court
for the District of South Carolina, at Aiken.
Cameron M. Currie, District Judge.
(CR-01-173)

Submitted: January 27, 2003

Decided: February 14, 2003

Before NIEMEYER, MOTZ, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

Johnny E. Watson, Sr., LAW OFFICE OF JOHNNY E. WATSON,
Columbia, South Carolina, for Appellant. Eric William Ruschky,
Assistant United States Attorney, Columbia, South Carolina, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Larry Cann, Jr. pled guilty pursuant to a written plea agreement to conspiracy to distribute controlled substances in a correctional institution, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(B), 846 (2000). The district court sentenced Cann to 121 months imprisonment. Counsel has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). In the *Anders* brief, Cann's counsel raises two issues relating to the application of the sentencing guidelines, both of which counsel ultimately concluded were not meritorious: whether the district court erred in applying a two-level enhancement for obstruction of justice and whether the district court erred in not reducing Cann's offense level for acceptance of responsibility. Cann was informed of his right to file a pro se supplemental brief but failed to do so.

Generally, we review the district court's application of the sentencing guidelines for clear error as to factual findings and de novo as to legal determinations. *United States v. Blake*, 81 F.3d 498, 503 (4th Cir. 1996). However, because Cann did not raise any objections at his sentencing hearing, our review is for plain error, *see United States v. Olano*, 507 U.S. 725, 731-32 (1993). Having carefully considered the arguments raised on Cann's behalf, we find no error, plain or otherwise.

In accordance with *Anders*, we have reviewed the entire record and have found no meritorious issues for appeal. We therefore affirm Cann's conviction and sentence. We 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