

UNPUBLISHED

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

UNITED STATES OF AMERICA,
Plaintiff-Appellee,
v.
CURTIS G. WENDELL,
Defendant-Appellant.

No. 01-4994

Appeal from the United States District Court
for the Southern District of West Virginia, at Beckley.
Charles H. Haden II, Chief District Judge.
(CR-01-165)

Submitted: September 5, 2002

Decided: September 24, 2002

Before WILKINS, MOTZ, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

G. Ernest Skaggs, SKAGGS & SKAGGS, Fayetteville, West Virginia,
for Appellant. Kasey Warner, United States Attorney, Hunter P.
Smith, Jr., Assistant United States Attorney, Charleston, West Vir-
ginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Curtis G. Wendell pled guilty to mail fraud, 18 U.S.C. § 1341 (2000), and tax evasion, 26 U.S.C. § 7201 (2000), and was sentenced to forty-three months of imprisonment. The district court arrived at this sentence based upon Wendell's undisputed Guideline range of thirty-seven to forty-six months. For the reasons that follow, we affirm.

On appeal, counsel has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), alleging that there are no meritorious claims on appeal but raising one issue: whether the district court erred by not sentencing Wendell to the minimum sentence in his Guideline range. A sentence imposed within a properly calculated Guideline range, however, is unreviewable on appeal. *United States v. Jones*, 18 F.3d 1145, 1151 (4th Cir. 1994); *United States v. Porter*, 909 F.2d 789, 794 (4th Cir. 1990). Accordingly, this claim fails.

We have examined the entire record in this case, in accordance with the requirements of *Anders*, and find no meritorious issues for appeal. Accordingly, we affirm. This court requires 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 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