

UNPUBLISHED
UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA, <i>Plaintiff-Appellee,</i>
v.
RODNEY MOULTRIE, a/k/a Little Rod, <i>Defendant-Appellant.</i>

No. 02-4298

Appeal from the United States District Court
for the District of South Carolina, at Charleston.
Patrick Michael Duffy, District Judge.
(CR-01-388)

Submitted: March 31, 2003

Decided: May 1, 2003

Before MICHAEL, KING, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

Patricia A. Kennedy, Charleston, South Carolina, for Appellant. Miller Williams Shealy, Jr., OFFICE OF THE UNITED STATES ATTORNEY, Charleston, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Rodney Moultrie appeals from his conviction and 200-month sentence imposed following a guilty plea to possession of heroin and possession with the intent to distribute less than 100 grams of heroin, in violation of 21 U.S.C. § 841(a)(1) (2000), 18 U.S.C. § 2 (2000).

Moultrie's counsel has filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), in which she raises the issue of whether the district court's sentencing departure was reasonable. Moultrie was notified of his right to file a pro se supplemental brief but has not done so. We conclude the district court sentenced Moultrie within the applicable guideline range. Moultrie may not challenge his sentence as the district court did not depart from the applicable guideline range and the sentence was within that authorized by statute. *See United States v. Porter*, 909 F.2d 789, 794 (4th Cir. 1990).

In accordance with *Anders*, we have reviewed the entire record and have found no meritorious issues for appeal. We therefore affirm Moultrie's conviction and sentence. This court requires that counsel inform her 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