

UNPUBLISHED

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

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

GLENN ALAN FLANAGAN,
Defendant-Appellant.

No. 02-4529

Appeal from the United States District Court
for the Southern District of West Virginia, at Charleston.
Charles H. Haden II, District Judge.
(CR-01-232)

Submitted: April 17, 2003

Decided: April 23, 2003

Before WIDENER, WILLIAMS, and MOTZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

J. C. Powell, POWELL & MAJESTRO, P.L.L.C., Charleston, West Virginia, for Appellant. Kasey Warner, United States Attorney, Michael H. Spencer, Assistant United States Attorney, Charleston, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Glenn Alan Flanagan appeals his conviction and sentence for conspiracy to distribute 500 grams or more of methamphetamine, a violation of 21 U.S.C. § 846 (2000). Counsel has filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), in which he states there are no meritorious issues for appeal, but presenting one issue for review. Although notified of his right to file a pro se brief, Flanagan has not done so.

Flanagan claims the district court erred in denying him an adjustment to his offense level for acceptance of responsibility. This court reviews a district court's decision to deny such an adjustment for clear error. *United States v. Ruhe*, 191 F.3d 376 (4th Cir. 1999). In light of Flanagan's admitted drug use after pleading guilty, we find no error.

In accordance with *Anders*, we have reviewed the entire record in this case and have found no meritorious issues for appeal. 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