

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 04-4823**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

LINDSEY LEE ROBINSON, JR., a/k/a Lindsey  
Robertson,

Defendant - Appellant.

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Appeal from the United States District Court for the Middle  
District of North Carolina, at Durham. James A. Beaty, Jr.,  
District Judge. (CR-03-426)

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Submitted: July 14, 2005

Decided: July 21, 2005

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Before WILKINSON, LUTTIG, and MOTZ, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Ames C. Chamberlin, LAW OFFICES OF AMES C. CHAMBERLIN, Greensboro,  
North Carolina, for Appellant. Anna Mills Wagoner, United States  
Attorney, Michael Augustus DeFranco, Assistant United States  
Attorney, Greensboro, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Lindsay Lee Robinson, Jr., appeals his conviction and sentence for one count of possession of a firearm by a convicted felon, in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(2). Robinson's attorney has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), stating that, in his opinion, there are no meritorious issues for appeal. Although concluding that such allegations lacked merit, counsel asserts that Robinson's sentence violates Blakely v. Washington, 542 U.S. 296 (2004). Although Robinson was informed of his right to file a pro se supplemental brief, he did not do so. Finding no reversible error, we affirm.

In the Anders brief, counsel asserts that the district court erred when it enhanced Robinson's sentence based on facts not present in the indictment, proved to a jury by a reasonable doubt, or admitted by the defendant. However, Robinson's offense level was not increased by any fact he did not admit in his factual basis to his guilty plea.

Counsel also questions the validity of Almendarez-Torres v. United States, 523 U.S. 224 (1998), in light of Blakely, asserting that the district court erred when it calculated Robinson's criminal history category based on facts not present in the indictment, found by a jury by a reasonable doubt, or admitted by the defendant. We find this claim meritless.

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