

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-4891

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

PAUL CHISHOLM, III, a/k/a Paul Junior
Chisholm, a/k/a Paul Chisholm,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern
District of Virginia, at Norfolk. Henry Coke Morgan, Jr., Senior
District Judge. (CR-00-58)

Submitted: March 18, 2005

Decided: April 20, 2005

Before LUTTIG, MICHAEL, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Frank W. Dunham, Jr., Federal Public Defender, Walter B. Dalton,
Assistant Federal Public Defender, Norfolk, Virginia, for
Appellant. Paul Joseph McNulty, United States Attorney, Robert
Joseph Seidel, Jr., Assistant United States Attorney, Norfolk,
Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Paul Chisholm, III, appeals the district court's imposition of a seventeen-month term of imprisonment and thirteen months of supervised release after the court revoked, for a second time, his supervised release. Counsel has filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967), raising one issue but stating that, in his view, there are no meritorious issues for appeal. Chisholm was informed of his right to file a pro se supplemental brief but has not done so. We affirm.

Counsel asserts that the district court's imposition of a seventeen-month sentence was plainly unreasonable. Because Chisholm did not object to the sentence in the district court, our review is for plain error. United States v. Osborne, 345 F.3d 281, 284 (4th Cir. 2003) (citing United States v. Olano, 507 U.S. 725, 732 (1993)). Chisholm's sentence fell within the statutory maximum and within the suggested, nonbinding guideline range set forth in U.S. Sentencing Guidelines Manual § 7B1.4(a), p.s. (2003). We therefore find that the district court did not plainly err in sentencing Chisholm.

In accordance with Anders, we have reviewed the entire record for any meritorious issues and have found none. 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