

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-4869

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

BRADLEY LANIER CALDWELL,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Durham. N. Carlton Tilley, Jr., Chief District Judge. (CR-04-188)

Submitted: January 31, 2006

Decided: March 6, 2006

Before WILKINSON and LUTTIG, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Louis C. Allen, III, Federal Public Defender, Gregory Davis, Assistant Federal Public Defender, Greensboro, North Carolina, for Appellant. Anna Mills Wagoner, United States Attorney, Robert Michael Hamilton, OFFICE OF THE UNITED STATES ATTORNEY, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Bradley Lanier Caldwell appeals from the district court's order revoking his supervised release and sentencing him to twenty-four months' imprisonment. Caldwell's attorney has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), representing that, in his view, there are no meritorious issues for appeal. Caldwell has been notified of his right to file a pro se supplemental brief but has not done so.

We review the district court's judgment revoking supervised release and imposing a term of imprisonment for abuse of discretion. See, e.g., United States v. Davis, 53 F.3d 638, 642-43 (4th Cir. 1995). The conduct upon which the revocation was based included illegal drug use, a Grade B violation. See U.S. Sentencing Guidelines § 7B1.1(a)(2) (2004). Caldwell's criminal history level was V. Combining these two factors, the district court correctly determined Caldwell's sentencing range was eighteen to twenty-four months. See USSG § 7B1.4(a).

The sentence imposed by the district court was within both the statutory and guideline range. Caldwell admitted to testing positive for cocaine on eight occasions as well as other supervised release violations. The district court gave Caldwell a choice of sentences and he selected the twenty-four month sentence because it included a drug treatment program. The sentence was

reasonable and the district court did not abuse its discretion in imposing it.

Pursuant to Anders, we have examined the entire record and find no meritorious issues for appeal. Accordingly, we affirm Caldwell's 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