

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 96-4665

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

OID MICHAEL HAWKINS, a/k/a Michael Hawkins,
a/k/a Mike Hawkins,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Statesville. Richard L. Voorhees, Chief District Judge. (CR-94-24)

Submitted: April 17, 1997

Decided: April 25, 1997

Before NIEMEYER and WILLIAMS, Circuit Judges, and BUTZNER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Samuel B. Winthrop, WINTHROP & WINTHROP, Statesville, North Carolina, for Appellant. Mark T. Calloway, United States Attorney, Gretchen C.F. Shappert, Assistant United States Attorney, Charlotte, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Oid Michael Hawkins appeals from his sentence imposed for violation of 18 U.S.C. § 922(g)(1) (1994). We affirm.

Hawkins' attorney filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967), concluding that there are no meritorious grounds for appeal, but raising the issue that the magistrate judge erred by enhancing Hawkins' sentence under 18 U.S.C. § 924(e) (1994) and refusing to grant Hawkins a downward departure under United States Sentencing Commission, Guidelines Manual, § 4A1.3 (Nov. 1995). Our review reveals no error in these decisions.

Pursuant to Anders, this court has reviewed the record for potential error and has found none. Therefore, we affirm Hawkins' 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 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