

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee.

v.

No. 96-4792

BILLY RAY WILFONG,

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-95-33)

Submitted: June 12, 1997

Decided: June 24, 1997

Before WIDENER and WILLIAMS, Circuit Judges, and
PHILLIPS, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

COUNSEL

Christopher A. Connelly, KAPLAN, GILPIN & HARRIS, Charlotte,
North Carolina, for Appellant. Mark T. Calloway, United States
Attorney, H. Thomas Church, Assistant United States Attorney, Char-
lotte, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Billy Ray Wilfong pleaded guilty to conspiring to possess with the intent to distribute and distribution of cocaine and cocaine base, in violation of 21 U.S.C. § 846 (1994). The district court sentenced Wilfong to 144 months imprisonment followed by five years of supervised release, a fine of \$1000, and a special assessment of \$50. He appeals his conviction and sentence. Wilfong's attorney has filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967), raising two possible issues for review, but indicating that, in his view, there are no meritorious issues for appeal. He also filed a motion to withdraw. Wilfong filed an opposition to the Anders brief and motion to remand.

Wilfong's attorney raises the questions of whether the district court complied with requirements outlined in Rule 11 of the Federal Rules of Criminal Procedure when taking Wilfong's plea, and whether the district court erred in sentencing Wilfong. Following a de novo review of the entire record, we conclude that the district court complied with all the mandates of Rule 11 in accepting Wilfong's plea. Further, we find no error in the sentencing of Wilfong. We affirm Wilfong's conviction and sentence, and deny Wilfong's motion to remand.

In accordance with the requirements of Anders, we have examined the entire record in this case and find no other meritorious issues for appeal. We deny counsel's motion to withdraw at this stage of the proceedings. 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 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