

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee.

v.

No. 98-4826

ANTHONY LEE CUNNINGHAM,

Defendant-Appellant.

Appeal from the United States District Court
for the District of South Carolina, at Anderson.
William B. Traxler, Jr., District Judge.
(CR-98-303)

Submitted: April 20, 1999

Decided: May 3, 1999

Before MURNAGHAN and HAMILTON, Circuit Judges, and
PHILLIPS, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

COUNSEL

David W. Plowden, Assistant Federal Public Defender, Greenville,
South Carolina, for Appellant. E. Jean Howard, OFFICE OF THE
UNITED STATES ATTORNEY, Greenville, South Carolina, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Anthony Cunningham appeals his convictions for bank robbery, in violation of 18 U.S.C. § 2113(a) and (d) (1994), and use of a firearm during a crime of violence, in violation of 18 U.S.C.A. § 924(c) (West Supp. 1998). Cunningham's attorney has filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967), addressing whether the district court complied with the requirements of Fed. R. Crim. P. 11 in accepting Cunningham's guilty plea and whether the court erred by not affording Cunningham the opportunity to object to his presentence report.

Our review of the record discloses that the district court sufficiently complied with Rule 11 in informing Cunningham of his rights and in ascertaining the voluntariness of his plea. Because the district court did not violate any substantial right, Cunningham's conviction must stand. See United States v. DeFusco, 949 F.2d 114, 117 (4th Cir. 1991). Moreover, the record further discloses that the district court explicitly inquired whether Cunningham read the presentence report, reviewed it with his attorney, and fully understood it. Cunningham had ample opportunity to raise any objections he had to the report during this discussion, but did not.

In accordance with Anders, we have examined the entire record in this case and find no reversible error. We therefore affirm the judgment order of the district court. 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