

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-4526

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

KEITH WILLIAM HUBBARD,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of Virginia, at Lynchburg. Samuel G. Wilson, Chief District Judge. (CR-99-5)

Submitted: April 25, 2000

Decided: May 12, 2000

Before MURNAGHAN, TRAXLER, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Onzlee Ware, Roanoke, Virginia, for Appellant. Robert P. Crouch, Jr., United States Attorney, Anthony P. Giorno, Assistant United States Attorney, Roanoke, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Keith William Hubbard appeals from a 180-month sentence imposed following his guilty plea to being a felon in possession of firearms, 18 U.S.C.A. § 922(g)(1) (West Supp. 1999). Hubbard's attorney has filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967). Counsel states that there are no meritorious grounds for appeal but addresses the following issues: whether the district court erred in denying Hubbard's motion to withdraw his guilty plea, and whether the court erred in sentencing him as an armed career criminal. Although Hubbard was informed of his right to file a supplemental brief, he has not filed a pro se brief.

We conclude that the district court neither abused its discretion by denying Hubbard's motion to withdraw his guilty plea nor erred by sentencing Hubbard as an armed career criminal. Further, we have examined the entire record in this case in accordance with the requirements of Anders, and find no meritorious issues for appeal. 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