

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-4057

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CHAVIUS MARQUETTE BARBER, a/k/a The Rock, a/k/a Cha-Roc,
a/k/a KD,

Defendant - Appellant.

Appeal from the United States District Court for the Western
District of North Carolina, at Charlotte. Frank D. Whitney,
District Judge. (3:07-cr-00061-FDW-4)

Submitted: June 25, 2010

Decided: July 6, 2010

Before NIEMEYER, KING, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Harold M. Vaught, Charlotte, North Carolina, for Appellant. Amy
Elizabeth Ray, Assistant United States Attorney, Asheville,
North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Chavius Marquette Barber appeals his sentence of 240 months' imprisonment imposed following his guilty plea to conspiracy to distribute and to possess with intent to distribute cocaine base, cocaine, marijuana, and "Ecstasy", in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A), (B), (C), (D) (2006) and 21 U.S.C.A. § 846 (West 2006 & Supp. 2010). Barber's counsel has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), stating that there are no meritorious issues for appeal, but raising two issues: (1) whether Barber's sentence was reasonable, and (2) whether the court adequately inquired into Barber's withdrawal of his request for new counsel. Barber was advised of his right to file a pro se supplemental brief, but has not done so. Finding no reversible error, we affirm.

First, we find no error in the district court's acceptance of the withdrawal of Barber's motion to substitute counsel. Counsel's reference to United States v. Carreto, 583 F.3d 152, 159 (2d Cir. 2008), does not persuade us to reach a different conclusion. See generally United States v. Gallop, 838 F.2d 105, 108 (4th Cir. 1988)

Second, we conclude that the sentence imposed was reasonable. The district court sentenced Barber to the mandatory minimum of 240 months' imprisonment as set forth in 21

U.S.C. § 841(b)(1)(A) (2006). This statutorily mandated minimum sentence is per se reasonable. United States v. Farrior, 535 F.3d 210, 224 (4th Cir.), cert. denied, 129 S. Ct. 743 (2008). We also find no error in the imposition of the twenty-year supervised release term. United States v. Dotson, 324 F.3d 256, 260 (4th Cir. 2003); United States v. Pratt, 239 F.3d 640, 647-48 & n.3 (4th Cir. 2001)

In accordance with Anders, we have reviewed the record in this case and have found no meritorious issues for appeal. We therefore affirm Barber's conviction and sentence. This court requires counsel inform Barber, in writing, of the right to petition the Supreme Court of the United States for further review. If he 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 Barber. 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