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USA v. Soto

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NOT-PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No: 98-1732

UNITED STATES OF AMERICA

v.

ANGEL SOTO,
a/k/a
Angel Marcial
Angel Gonzalez

Angel Soto,
Appellant

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
D.C. Criminal No. 98-cr-00116-01
District Judge: Hon. Robert F. Kelly

Submitted Pursuant to Third Circuit LAR 34.1(a)
May 23, 2002

Before: McKee, Stapleton & Wallace, Circuit Judges

(Filed: June 7, 2002)

OPINION OF THE COURT

McKEE, Circuit Judge.

Angel Soto appeals the sentence of 71 months incarceration, assessments totaling \$200, and six years supervised release, that was imposed after the district court accepted his plea of guilty to distribution of cocaine and possessing a firearm. We will affirm.

Counsel has submitted a brief stating that, based upon his review of the record, there are no meritorious issues for appeal. See *Anders v. California*, 386 U.S. 738 (1967). We agree. The trial court complied with the requirements of Fed. R. Crim. P. 11 in accepting Soto's guilty plea. Soto indicated that he was not under the influence of drugs or alcohol at the time, that he did not disagree with the prosecutor's statement of the factual basis for the plea, and that he understood the rights that he was waiving in entering a guilty plea. The court thereafter imposed a legal sentence within the range authorized by Congress. Accordingly, there are no nonfrivolous issues to be presented on appeal, and we will therefore affirm the judgment of conviction and sentence entered on July 31, 1998, and allow counsel to withdraw his appearance.

TO THE COURT:

Please file the foregoing opinion.

By the Court,
/s/ Theodore A. McKee
Circuit Judge