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USA v. Austin

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NOT PRECEDENTIAL

THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 02-3308

UNITED STATES OF AMERICA

vs.

JAMES AUSTIN

Appellant.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

(D.C. Criminal No. 01-cr-00130-1)
District Judge: The Honorable Petrese B. Tucker

Submitted Under Third Circuit LAR 34.1(a)
January 26, 2004

BEFORE: NYGAARD, FUENTES, and STAPLETON, Circuit Judges.

(Filed: February 4, 2004)

OPINION OF THE COURT

NYGAARD, Circuit Judge.

Appellant James Austin pleaded guilty to seven counts related to trafficking in crack cocaine. The District Court sentenced the Appellant to ninety-seven months imprisonment. Austin filed a notice of appeal, *pro se*, and his appointed counsel, Jeremy C. Gelb, Esq., filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Counsel indicated that there are no non-frivolous issues for appeal.

We have carefully reviewed the Appellant's brief, along with the responsive brief of the United States and other matters of record. Austin did not file a *pro se* brief. We conclude, after our own review of the entire record, that the District Court did not err. Accordingly, the judgment of the District Court will be affirmed.

The motion of defense counsel to withdraw will be granted.

TO THE CLERK:

Please file the foregoing opinion.

/s/ Richard L. Nygaard

Circuit Judge

