

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No: 05-2103

UNITED STATES OF AMERICA

v.

WILLIAM ASSMUS,

Appellant

On Appeal from the United States District Court
for the District of New Jersey
D.C. Criminal No. 04-cr-00439
District Judge: Hon. Jerome B. Simandle

Submitted Pursuant to Third Circuit LAR 34.1(a)
March 27, 2006

Before: McKee, Van Antwerpen Circuit Judges and
Pollak, District Judge*

(Opinion filed: April 7, 2006)

OPINION

McKee, Circuit Judge

William Assmus appeals the sentence that was imposed after he admitted violating the conditions of his supervised release. For the reasons that follow, we will affirm.

Because we write primarily for the parties who are familiar with this case, we need

*The Honorable Louis H. Pollak, Senior District Judge, United States District Court, sitting by designation.

not set forth the factual or procedural background of this appeal.

Defense counsel has filed a brief pursuant to *Anders v. California*, 386 U.S. 738, 744 (1967), informing us that she has reviewed the record and found no nonfrivolous issues for appeal. Accordingly, she requests permission to withdraw. Our review of the record confirms counsel's assessment that there are no nonfrivolous issues for appeal.

The defendant admitted the violations of the supervised release that form the basis of his sentence after he was informed of his rights and stated on the record that he was satisfied with counsel's representation. Although there was initially some confusion about the amount of credit defendant was entitled to for time previously spent in state custody, defense counsel correctly concludes that the court did not have authority to award that credit. *See*, 18 U.S.C. § 3585(b); *U.S. v. Wilson*, 503 U.S.329, 334 (1992). Moreover, counsel represents that she has attempted to resolve the issue of that credit, and that the issue "provides no basis for appeal." Appellant's brief at 14.

Since there are no nonfrivolous issues for appeal, the judgment of conviction filed March 28, 2005 is hereby affirmed, and counsel will be granted leave to withdraw.