

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NO. 02-1100

UNITED STATES OF AMERICA

v.

JAMES E. FELTON, JR.
Appellant

On Appeal From the United States District Court
For the District of New Jersey
(D.C. Crim. Action No. 98-cr-00476)
District Judge: Honorable Stephen M. Orlofsky

Submitted Pursuant to Third Circuit LAR 34.1(a)
December 13, 2002

BEFORE: FUENTES and STAPLETON, Circuit Judges,
and O'KELLEY,* District Judge

(Opinion Filed: December 18, 2002)

*Honorable William C. O'Kelley, United States District Judge for the District of Northern Georgia, sitting by designation.

OPINION

STAPLETON, Circuit Judge:

Appellant, James E. Felton, Jr., pled guilty to having conspired to interfere with the Internal Revenue Service's performance of its official duties. He did so pursuant to a plea agreement in which he voluntarily agreed to waive his right to appeal and/or collaterally attack his conviction. He was granted a two-level downward departure based on an extraordinary physical impairment and was sentenced to a term of eighteen months, a sentence at the bottom of the Guidelines range.

Our review of the record, like that of appellant's counsel, fails to disclose any non-frivolous issues for appeal. Thus, in accordance with Anders v. California, 306 U.S. 738 (1967), we will affirm the judgment of the District Court and will grant the motion of appellant's counsel to withdraw.

The District Court had jurisdiction pursuant to 18 U.S.C. § 3231. Appellant's pleas were knowing and voluntary, and the requirements of Fed. R. Crim P. 11 were satisfied. The sentence imposed was consistent with the Guidelines, and we have no jurisdiction to review the extent of the departure.

The judgment of the District Court will be affirmed.

/s/ Walter K. Stapleton
Circuit Judge