

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 02-2343

UNITED STATES OF AMERICA

v.

RODNEY SMITH,

Appellant

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

(Dist. Court No. 00-CR-24-07)
District Court Judge: Ronald L. Buckwalter

Submitted Under Third Circuit LAR 34.1(a)
April 7, 2003

Before: ALITO, FUENTES, GREENBERG, Circuit Judges

(Opinion Filed: April 17, 2003)

OPINION OF THE COURT

PER CURIAM:

Defendant, Rodney Smith, pled guilty to conspiracy to distribute and possession
with intent to distribute more than 100 grams of crack cocaine, heroin, PCP, and marijuana

in violation of 21 U.S.C. §846. After holding an evidentiary hearing, the District Court found the defendant's base offense level at 26 and a criminal history at category III. The District Court imposed a sentence of 88 months imprisonment, five years of supervised release and a \$100.00 special assessment. This timely appeal followed.

Pursuant to Anders v. California, 386 U.S. 738 (1967) and Third Circuit Local Appellate Rule 109.2(a), defendant's counsel certifies that, based on her review of the record, she "can find no non-frivolous issues for appeal." After engaging in an independent review of the record, see United States v. Youla, 241 F.3d 296, 299-300 (3d Cir. 2001), we agree and therefore affirm the District Court's judgment of commitment and sentence. We also grant counsel's motion to withdraw.