

NOT PRECEDENTIAL

THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 03-1094

UNITED STATES OF AMERICA

v.

DOMINGO VALENTIN,

Appellant.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

District Judge: The Honorable Stephen M. Orlofsky
(D.C. Criminal No. 01-cr-00106-2)

Submitted Under Third Circuit LAR 34.1(a)
January 29, 2004

BEFORE: NYGAARD and FUENTES, Circuit Judges,
and O'NEILL, * District Judge.

(Opinion Filed: February 19, 2004)

OPINION OF THE COURT

* Honorable Thomas N. O'Neill, Jr., Senior District Judge for the United States District Court for the Eastern District of Pennsylvania, sitting by designation.

FUENTES, Circuit Judge.

Appellant Domingo Valentin pled guilty to conspiracy to distribute and possess with intent to distribute at least five kilograms of cocaine, in violation of 21 U.S.C. § 841, 846. The District Court sentenced Valentin to 120 months imprisonment, which was the statutory minimum for his offense. Valentin filed a notice of appeal, *pro se*, and we appointed Michael E. Riley, Esq., to assist with the appeal. Attorney Riley filed a brief in accordance with *Anders v. California*, 386 U.S. 738, 744 (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. Valentin did not file a *pro se* responsive 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, and the motion of defense counsel to withdraw will be granted.

TO THE CLERK:

Please file the foregoing opinion.

/s/ Julio M. Fuentes, Circuit Judge