

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 04-3986

UNITED STATES OF AMERICA

v.

HKEEM NEUBY,
a/k/a HORACE MAINE,

Hkeem Neuby,
Appellant

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
D.C. Crim. No. 03-cr-00427
District Judge: The Honorable Michael M. Baylson

Submitted Under Third Circuit LAR 34.1(a)
May 21, 2007

Before: BARRY, CHAGARES, and TASHIMA,* Circuit Judges

(Opinion Filed: June 13, 2007)

OPINION

* The Honorable A. Wallace Tashima, Senior Circuit Judge, United States Court of Appeals for the Ninth Circuit, sitting by designation.

BARRY, Circuit Judge

This is an appeal by defendant Hkeem Neuby from a judgment in a criminal case in which the jury found Neuby guilty of possession of a firearm by a convicted felon in violation of 18 U.S.C. §§ 922(g)(1) and 924(e). Neuby was sentenced to 252 months of imprisonment to be followed by a three-year term of supervised release, plus a \$1,000 fine and a \$100 special assessment. He timely appealed.

Neuby's counsel, Robert M. Gamburg, Esq., has filed a motion to withdraw and a brief pursuant to Anders v. California, 386 U.S. 738 (1967), representing that he has carefully reviewed the entire record and has discovered no reasonable or non-frivolous issues to appeal.¹ In accordance with our requirements, see United States v. Marvin, 211 F.3d 778 (3d Cir. 1999), Gamburg has attempted to uncover Neuby's best arguments. We are satisfied that he has fulfilled his Anders obligations, and we agree with his assessment of the appeal.

The government's case turned on evidence that after Neuby had been found by the police behind the glass door of a kitchen shed near a crime scene, he briefly bent down, hiding the gun that the police later discovered pursuant to a consent search, a gun that was not owned by the owner of the kitchen shed and was subsequently matched to the bullet casings found nearby. Gamburg, in his brief, addressed the propriety of the search that

¹ Neuby was given the opportunity to file a pro se brief and failed to do so by the deadline. When he later asked for an extension of time, we granted it. When he missed the new deadline and asked us for a second extension, we denied his request.

revealed the gun and the sufficiency of the evidence that supported the jury verdict. He also discussed the reasonableness of the sentence, which fell at the midpoint of the advisory guidelines range, and the authority of the District Judge to impose an identical alternative sentence.

After reviewing the record, we agree that Neuby has no non-frivolous issues to raise on appeal. We will therefore grant counsel's motion to withdraw, and will affirm the judgment of the District Court.