

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

\_\_\_\_\_  
No. 07-4577  
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UNITED STATES OF AMERICA

v.

RANDY CLARK BAKER

Appellant.

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On Appeal from the United States District Court  
for the Middle District of Pennsylvania  
(D.C. Criminal No. 06-cr-00432)  
District Judge: The Honorable A. Richard Caputo

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Submitted Under Third Circuit LAR 34.1(a)  
October 30, 2008

BEFORE: McKEE, NYGAARD, and SILER, \* Circuit Judges.

(Filed: February 4, 2009)

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\*Honorable Eugene E. Siler, Jr., Senior Circuit Judge for the United States Court  
of Appeals for the Sixth Circuit, sitting by designation.

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OPINION OF THE COURT

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NYGAARD, Circuit Judge.

Appellant, Randy Clark Baker, entered into a plea agreement with the Government, whereby he agreed to plead guilty to one count of unlawful possession of child pornography. A presentence investigation report was prepared and defense counsel filed a sentencing memorandum requesting a sentence outside and below the advisory sentencing range. The District Court sentenced him to 78 months' incarceration and a special assessment of \$100. We will affirm.

Because we write exclusively for the parties who are familiar with the facts and the proceedings below, we will not revisit them here. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Baker's appointed counsel has examined the record, concluded that there are no non-frivolous issues for review, and has requested permission to withdraw.

We, too, have thoroughly examined the record and can find no non-frivolous issues to be raised in this appeal. Hence, we will affirm the judgment of the District Court and grant counsel's motion to withdraw.