

IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA,)
)
 Plaintiff/Appellee,) Case No. _____
)
 v.)
)
 _____,)
)
 Defendant/Appellant.

MOTION TO WITHDRAW AS COUNSEL

COMES NOW counsel for the appellant, _____, and moves to withdraw as counsel pursuant to Fourth Circuit Local Rule 46(d) for the following reasons:

1. [Information regarding date and holding of Fourth Circuit opinion.]
2. [Written advice given to appellant regarding right to file petition for writ of certiorari and whether appellant has requested that counsel file a petition with the United States Supreme Court.]
3. Counsel believes, after a conscientious examination of the Court's order and opinion, the applicable law, and the considerations for review stated in Supreme Court Rule 10, that a petition for writ of certiorari would be frivolous. Therefore, counsel requests permission to withdraw from further representation of the appellant.

4. In accordance with Fourth Circuit Local Rule 27(a), undersigned counsel has informed the government of the intended filing of this motion. The government has no objection.

5. As indicated on the certificate of service, undersigned counsel has served a copy of this motion on appellant. By letter sent with the copy of the motion, counsel has also informed appellant in writing of his right to respond to the motion within seven days, in accordance with Local Rule 46(d).

Respectfully submitted this _____, _____.

Counsel for Appellant

CERTIFICATE OF SERVICE

I hereby certify that on _____, _____, I electronically filed the foregoing with the Clerk of Court using the CM/ECF System, which will send notice of such filing to the following registered CM/ECF user:

[Government Attorney]

I further certify that on _____, _____, I have sent the foregoing document by U.S. Mail, first-class postage prepaid, to the following non-CM/ECF participant, addressed as follows:

[Appellant]

Counsel