

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-4642

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DEION RASHAAD THOMPSON, a/k/a Chucky,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Frank D. Whitney, Senior District Judge. (3:22-cr-00159-FDW-DCK-5)

Submitted: April 30, 2025

Decided: June 27, 2025

Before AGEE, RUSHING, and BENJAMIN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

ON BRIEF: Roderick M. Wright, Jr., RODERICK WRIGHT LAW FIRM, PLLC, Cornelius, North Carolina, for Appellant. Amy Elizabeth Ray, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Asheville, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Deion Rashaad Thompson appeals the district court's judgment imposing a prison sentence of 120 months after he pled guilty to conspiracy to distribute and possess with intent to distribute 50 grams or more of methamphetamine (actual), 40 grams or more of fentanyl, and detectable amounts of cocaine and heroin, in violation of 21 U.S.C. § 846; three counts of distributing fentanyl, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(C); and distribution of 50 grams or more of methamphetamine (actual), in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A). On appeal, Thompson's attorney has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), questioning whether there was prosecutorial misconduct at sentencing but concluding there are no meritorious issues for appeal. Thompson was notified of his right to file a pro se supplemental brief but has not done so. We affirm.

“When asserting a prosecutorial misconduct claim, a defendant bears the burden of showing (1) that the prosecutors engaged in improper conduct, and (2) that such conduct prejudiced the defendant's substantial rights so as to deny the defendant a fair trial.” *United States v. Alerre*, 430 F.3d 681, 689 (4th Cir. 2005). We have reviewed the record and the arguments in Thompson's brief, and we conclude he fails to make this showing. We have also reviewed the entire record for any meritorious appeal issues and have found none.

Accordingly, we affirm the district court's judgment. This court requires that counsel inform Thompson, in writing, of his right to petition the Supreme Court of the United States for further review. If Thompson requests that a petition be filed, but counsel believes that such a petition would be frivolous, then counsel may move in this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof

was served on Thompson. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED