

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-4245

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

CINDY GRAHAM,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Statesville. Richard L. Voorhees, District Judge. (5:05-cr-00237-2)

Submitted: October 11, 2007

Decided: October 16, 2007

Before MICHAEL and SHEDD, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

James S. Weidner, Jr., LAW OFFICE OF JAMES S. WEIDNER, JR., Charlotte, North Carolina, for Appellant. Amy Elizabeth Ray, OFFICE OF THE UNITED STATES ATTORNEY, Asheville, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Cindy Graham pled guilty without a plea agreement to conspiracy to distribute and possess with intent to distribute methamphetamine, and distribution of methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and 846 (2000). The district court sentenced Graham to eighty months in prison, her sentence to run concurrent to a state sentence she was currently serving. Graham's attorney has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), representing that there are no meritorious grounds for appeal, but raising the reasonableness of Graham's sentence as a possible ground for reversal. Graham was advised of her right to file a pro se supplemental brief but has not done so. The Government elected not to file a responding brief. Finding no error, we affirm.

After a thorough Fed. R. Crim. P. 11 hearing before the magistrate judge, the district court applied the safety valve reduction to Graham's original guidelines range, gave Graham credit for time served in state prison on a related offense, considered the 18 U.S.C. § 3553(a) (2000) factors, and sentenced Graham to the low end of a properly calculated guidelines range. We find Graham's sentence to be reasonable. See United States v. Green, 436 F.3d 449, 455-57 (4th Cir.), cert. denied, 126 S. Ct. 2309 (2006); see also Rita v. United States, 127 S. Ct. 2456, 2462-65 (2007) (upholding the application of the presumption of

reasonableness afforded a sentence within a properly calculated guidelines range).

In accordance with Anders, we have reviewed the entire record in this case and have found no meritorious issues for review. We therefore affirm the district court's judgment. This court requires that counsel inform Graham in writing of her right to petition the Supreme Court of the United States for further review. If Graham requests that a petition be filed, but counsel believes that such a petition would be frivolous, then counsel may file a motion with this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on Graham. 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