UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

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No. 07-4853

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UNITED STATES OF AMERICA,

               Plaintiff - Appellee,

    v.

DARRELL LAVON SMITH,

               Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh.   James C. Dever, III, District Judge. (5:07-cr-00076-D)

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Submitted: February 21, 2008   Decided: February 25, 2008

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Before MOTZ and GREGORY, Circuit Judges, and WILKINS, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Thomas P. McNamara, Federal Public Defender, Stephen C. Gordon, Assistant Federal Public Defender, Raleigh, North Carolina, for Appellant. George E. B. Holding, United States Attorney, Anne M. Hayes, Banumathi Rangarajan, Assistant United States Attorneys, Raleigh, North Carolina, for Appellee.

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PER CURIAM:

Darrell Lavon Smith pled guilty to one count of being a felon in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(1), 924 (2000). After granting Smith's motion for a downward departure, the district court sentenced him to 41 months' imprisonment, the low end of the advisory guidelines range. Smith appeals his sentence. We affirm.

We review the sentence to determine whether it is reasonable, applying an abuse of discretion standard. Gall v. United States, 128 S. Ct. 586, 590 (2007). We find that the district court properly applied the advisory guidelines and considered the relevant sentencing factors before imposing the 41-month sentence. 18 U.S.C.A. § 3553(a) (West 2000 & Supp. 2007). Additionally, we find that the sentence imposed was reasonable. See United States v. Johnson, 445 F.3d 339, 341 (4th Cir. 2006); Rita v. United States, 127 S. Ct. 2456, 2462-69 (2007) (upholding presumption of reasonableness accorded within-guidelines sentence). Accordingly, we affirm Smith's sentence.

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