UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-4403

UNITED STATES OF AMERICA,

Plaintiff – Appellee,

v.

JOEL WAYNE TADLOCK,

Defendant – Appellant.

Appeal from the United States District Court for the District of South Carolina, at Florence. Terry L. Wooten, District Judge. (4:05-cr-00670-TLW-1)

Submitted: February 25, 2010 Decided: March 16, 2010

Before NIEMEYER, MICHAEL, and MOTZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Ray Coit Yarborough, Jr., LAW OFFICE OF RAY COIT YARBOROUGH, JR., Florence, South Carolina, for Appellant. Alfred William Walker Bethea, Jr., Assistant United States Attorney, Florence, South Carolina, for Appellee.

PER CURIAM:

Pursuant to a plea agreement, Joel Wayne Tadlock pled guilty to conspiracy to manufacture and possess with intent to distribute fifty grams or more of methamphetamine and 500 grams or more of a mixture of methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A), 846 (2006) ("Count One"), and knowingly using and carrying firearms during and in relation to, and possessing firearms in furtherance of, a drug trafficking crime, in violation of 18 U.S.C. § 924(c)(1) (2006) ("Count Three"). The district court sentenced Tadlock to 324 months' imprisonment, consisting of 264 months on Count One and a consecutive term of sixty months on Count Three.

Tadlock's counsel has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), stating that, in his view, there are no meritorious grounds for appeal, but asking this court to review Tadlock's convictions and sentence. Though advised of his right to do so, Tadlock has declined to file a pro se supplemental brief.

Counsel first concludes there were no deficiencies in the district court's Federal Rule of Criminal Procedure 11 hearing. After a careful review of the record, we agree. The district court substantially complied with the mandates of Rule 11 in accepting Tadlock's guilty plea, ensuring Tadlock entered his plea knowingly and voluntarily and that the plea was

supported by an independent factual basis. See United States v. Vonn, 535 U.S. 55, 62 (2002); United States v. Mastrapa, 509 F.3d 652, 659-60 (4th Cir. 2007). Accordingly, we affirm Tadlock's convictions.

Counsel next acknowledges that Tadlock's sentence is reasonable, both procedurally and substantively. We agree.

We review the sentence imposed by the district court for an abuse of discretion. Gall v. United States, 552 U.S. 38, 51 (2007); see also United States v. Layton, 564 F.3d 330, 335 (4th Cir.), cert. denied, 130 S. Ct. 290 (2009). Our review of the record leads us to conclude the district court followed the necessary procedural steps in sentencing Tadlock, properly calculating the Guidelines range and considering that recommendation in conjunction with the factors set forth in 18 U.S.C. § 3553(a) (2006). See Gall, 552 U.S. at 51. Accordingly, we will afford Tadlock's within-Guidelines sentence a presumption of reasonableness. United States v. Go, 517 F.3d 216, 218 (4th Cir. 2008); see also Rita v. United States, 551 U.S. 338, 347 (2007) (upholding rebuttable presumption of reasonableness for within-Guidelines sentence).

In accordance with Anders, we have reviewed the entire record for any meritorious issues and have found none. Accordingly, we affirm the district court's judgment. This court requires that counsel inform his client, in writing, of

his right to petition the Supreme Court of the United States for further review. If the client 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 the client. 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