

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-4242

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

BENJAMIN JULIO AYUSO CALDERON, a/k/a Raul Rafael Vargas-
Nolasco,

Defendant - Appellant.

Appeal from the United States District Court for the Middle
District of North Carolina, at Greensboro. N. Carlton Tilley,
Jr., Senior District Judge. (1:14-cr-00155-NCT-1)

Submitted: January 27, 2016

Decided: February 5, 2016

Before MOTZ, AGEE, and KEENAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Renorda E. Pryor, HERRING LAW CENTER, PLLC, Raleigh, North
Carolina, for Appellant. Terry Michael Meinecke, Assistant
United States Attorney, Greensboro, North Carolina, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Benjamin Julio Ayuso Calderon appeals his conviction and the sentence imposed after he pled guilty to possession of methamphetamine with intent to distribute, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(C) (2012). Counsel has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), stating that she has found no meritorious grounds for appeal but questioning whether the district court's decision to impose a Guidelines sentence was reasonable. Calderon was advised of his right to file a pro se supplemental brief, but has not done so.

We review a sentence for procedural and substantive reasonableness, applying "an abuse-of-discretion standard." Gall v. United States, 552 U.S. 38, 51 (2007). Having found no significant procedural error, we examine the substantive reasonableness of a sentence under "the totality of the circumstances." Id. We presume on appeal that a within-Guidelines sentence is substantively reasonable. United States v. Louthian, 756 F.3d 295, 306 (4th Cir.), cert. denied, 135 S. Ct. 421 (2014). The defendant can rebut that presumption only "by showing that the sentence is unreasonable when measured against the 18 U.S.C. § 3553(a) factors." Id. Having reviewed the record, we conclude that Calderon has failed to rebut the presumption that his within-Guidelines sentence is reasonable.

In accordance with Anders, we have reviewed the entire record for any meritorious grounds for appeal and have found none. Accordingly, we affirm Calderon's conviction and sentence. This court requires that counsel inform Calderon, in writing, of his right to petition the Supreme Court of the United States for further review. If Calderon requests that a petition be filed, but counsel believes that such a petition would be frivolous, counsel may move in this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on Calderon. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED