

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-4731

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CENIN GERARDO POSADA,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. James R. Spencer, Senior District Judge. (3:15-cr-00179-JRS-1)

Submitted: June 12, 2017

Decided: June 21, 2017

Before MOTZ, KING, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Jeremy C. Kamens, Federal Public Defender, Caroline S. Platt, OFFICE OF THE FEDERAL PUBLIC DEFENDER, Valencia D. Roberts, Assistant Federal Public Defender, Alexandria, Virginia, for Appellant. Stephen David Schiller, Assistant United States Attorney, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Cenin Gerardo Posada pled guilty without a plea agreement to illegal reentry by a deported felon, 8 U.S.C. § 1326(a), (b)(1) (2012), and was sentenced to 37 months in prison. Posada appeals. His attorney has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967), arguing that the sentence is unreasonable, but concluding that there are no meritorious issues for appeal. Posada was advised of his right to file a pro se supplemental brief but has not filed such a brief. We affirm.

The district court properly calculated Posada's Guidelines range, considered the 18 U.S.C. § 3553(a) (2012) factors and the arguments of the parties, and provided a sufficiently individualized assessment based on the facts of the case. We conclude that Posada's sentence, which falls within his Guidelines range of 37-46 months, is procedurally reasonable. Additionally, given the totality of the circumstances, the sentence is substantively reasonable. *See Gall v. United States*, 552 U.S. 38, 51 (2007); *United States v. Carter*, 564 F.3d 325, 330 (4th Cir. 2009).

Pursuant to *Anders*, we have reviewed the entire record and have found no meritorious issues for appeal. Accordingly, we affirm. This court requires that counsel inform Posada, in writing, of the right to petition the Supreme Court of the United States for further review. If Posada 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 Posada. 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