

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 05-5217**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

HOSEA ATRAVIS PERRY,

Defendant - Appellant.

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Appeal from the United States District Court for the District of South Carolina, at Anderson. Margaret B. Seymour, District Judge. (CR-98-305)

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Submitted: June 22, 2006

Decided: June 26, 2006

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Before NIEMEYER, MICHAEL, and GREGORY, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Langdon D. Long, Assistant Federal Public Defender, Columbia, South Carolina, for Appellant. David Calhoun Stephens, Assistant United States Attorney, Greenville, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Hosea Atravis Perry appeals an order of the district court revoking his supervised release and imposing a sentence of thirteen months imprisonment, to be followed by a consecutive six months for contempt. Perry's attorney has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), raising one issue but stating that, in his view, there are no meritorious issues for appeal. Perry has been informed of his right to file a pro se supplemental brief, but has not filed a brief. We affirm.

In his revocation hearing, Perry admitted three violations of his supervised release conditions. On appeal, he does not contest the revocation or his conviction for contempt. Counsel suggests that the district court erred in sentencing Perry to thirteen months imprisonment, the high end of the guideline range applicable under U.S. Sentencing Guidelines Manual § 7B1.4 (2004), plus six months for contempt.

Before United States v. Booker, 543 U.S. 220 (2005), we reviewed a sentence imposed upon revocation of supervised release for abuse of discretion. United States v. Davis, 53 F.3d 638, 642 (4th Cir. 1995). This Court has not yet decided whether, after Booker, the proper standard is reasonableness. However, Perry's revocation sentence was within the correctly calculated advisory guideline range and may be affirmed under either standard. Similarly, Perry's six-month contempt sentence did not exceed the

statutory maximum and was reasonable given his outburst in the courtroom, during which he directed obscenities at the judge.

Pursuant to Anders, we have examined the entire record and find no meritorious issues for appeal. 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 such 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