

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-4191

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

CARL L. LINYARD,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Beaufort. Sol Blatt, Jr., Senior District Judge. (9:03-cr-00620-SB)

Submitted: November 30, 2006

Decided: December 19, 2006

Before TRAXLER, SHEDD, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Francis J. Cornely, Charleston, South Carolina, for Appellant.
Robert H. Bickerton, Assistant United States Attorney, Charleston, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Carl L. Linyard was found guilty by a jury of conspiring to distribute and possessing with intent to distribute fifty grams or more of cocaine base "crack" (Count 1), distributing fifty grams or more of crack (Count 3), and possessing with intent to distribute a quantity of crack (Counts 6-10, 13, 14). The district court adopted the recommendations in the presentence report and sentenced Linyard to a term of life imprisonment for Counts 1 and 3 and to concurrent sentences of 360 months for the remaining counts.

On appeal, we affirmed Linyard's convictions, but vacated and remanded for resentencing in light of United States v. Booker, 543 U.S. 220 (2005), and United States v. Hughes, 401 F.3d 540, 552 (4th Cir. 2005). See United States v. Linyard, No. 04-5063 (4th Cir. Nov. 7, 2005) (unpublished). On remand, the district court expressly referred to various 18 U.S.C.A. § 3553(a) (West 2000 & Supp. 2006) factors, reduced Linyard's life sentences to 400 months of imprisonment for Counts 1 and 3, and reimposed 360-month concurrent sentences for the remaining counts.

On appeal, counsel has filed a brief under Anders v. California, 386 U.S. 738 (1967), alleging that there are no meritorious claims on appeal but raising the following issue: whether the district court erred by sentencing Linyard below his

advisory guideline range without giving a sufficient explanation for the sentence. For the reasons that follow, we affirm.

We find that the district court acted reasonably in deciding to sentence Linyard below his advisory guideline range of life for Counts 1 and 3. United States v. Moreland, 437 F.3d 424, 433-34 (4th Cir.), cert. denied, 126 S. Ct. 2054 (2006) (regarding variance sentence); United States v. Hairston, 96 F.3d 102, 106 (4th Cir. 1996) (regarding departure sentence). The district court adequately explained its reasons for imposing Linyard's reduced sentences. Hughes, 401 F.3d at 546.

We have examined the entire record in this case in accordance with the requirements of Anders, including the issues raised in Linyard's pro se supplemental brief, and find no meritorious issues for appeal. Accordingly, we affirm. 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