

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-4373

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JOSE BEATRIZ DUARTE-MARTINEZ, a/k/a Jose
Guadalupe Castro Delgado,

Defendant - Appellant.

Appeal from the United States District Court for the Middle
District of North Carolina, at Durham. N. Carlton Tilley, Jr.,
Chief District Judge. (1:05-cr-00332-NCT)

Submitted: August 24, 2006

Decided: August 29, 2006

Before KING, SHEDD, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Louis C. Allen, Federal Public Defender, William C. Ingram,
Greensboro, North Carolina, for Appellant. Angela Hewlett Miller,
OFFICE OF THE UNITED STATES ATTORNEY, Greensboro, North Carolina,
for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Jose Beatriz Duarte-Martinez pled guilty to one count of reentry after deportation in violation of 8 U.S.C. § 1326(a), (b)(1) (2000). The district court sentenced Duarte-Martinez to seventy-one months of imprisonment. On appeal, counsel filed an Anders* brief, in which he states that there are no meritorious issues for appeal, but suggests that the district court imposed an unreasonable sentence. Duarte-Martinez was advised of his right to file a pro se supplemental brief, but has not filed a brief. We affirm.

The district court sentenced Duarte-Martinez within the applicable advisory Guideline range and well below the ten-year statutory maximum set forth in 8 U.S.C. § 1326(b)(1). We cannot conclude that, under these circumstances, Duarte-Martinez's sentence is unreasonable. See United States v. Johnson, 445 F.3d 339, 341 (4th Cir. 2006); United States v. Green, 436 F.3d 449, 457 (4th Cir.) (finding that sentence imposed within properly calculated advisory Guideline range is presumptively reasonable), cert. denied, 126 S. Ct. 2309 (2006).

In accordance with Anders, we have reviewed the entire record in this case and have found no meritorious issues for appeal. We therefore affirm Duarte-Martinez's conviction and sentence. This court requires that counsel inform Duarte-Martinez,

*Anders v. California, 386 U.S. 738 (1967).

in writing, of the right to petition the Supreme Court of the United States for further review. If Duarte-Martinez 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 Duarte-Martinez. 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