

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-4966

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

TAMMY BLACKWELL,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Spartanburg. Henry F. Floyd, District Judge. (7:06-cr-00262)

Submitted: February 15, 2007

Decided: February 21, 2007

Before NIEMEYER, KING, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Margaret A. Chamberlain, CHAMBERLAIN LAW FIRM, Greenville, South Carolina, for Appellant. W. Walter Wilkins, OFFICE OF THE UNITED STATES ATTORNEY, Greenville, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Tammy Blackwell appeals her fifteen month sentence imposed following her guilty plea to one count of conspiracy to possess counterfeit obligations of the United States, in violation of 18 U.S.C. § 371 (2000). Blackwell's counsel filed a brief pursuant to Anders v. California, 286 U.S. 738, 744 (1967), stating that there are no meritorious issues for appeal, but suggesting that the district court erred in denying Blackwell's motion for a variance base on her limited intellect.

We find that the district court properly applied the Sentencing Guidelines and considered the relevant sentencing factors before imposing the fifteen month sentence. 18 U.S.C.A. § 3553(a) (West 2000 & Supp. 2006); see United States v. Hughes, 401 F.3d 540, 546-47 (4th Cir. 2005). Additionally, we find that the district court's decision to deny Blackwell's request for a variance from the guideline range was reasonable, and its determination of the sentence within the range was reasonable. See United States v. Green, 436 F.3d 449, 457 (4th Cir. 2006). ("[A] sentence imposed within the properly calculated [g]uidelines range [. . .] is presumptively reasonable.") (internal quotation marks and citation omitted). Accordingly, we affirm Blackwell's sentence.

As required by Anders, we have reviewed the entire record and have found no meritorious issues for appeal. We therefore

affirm Blackwell's conviction and sentence. This court requires that counsel inform her client, in writing, of her 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