

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-5055

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ARGELIO SAUCEDO RENTERIA,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Durham. James A. Beaty, Jr., Chief District Judge. (1:06-cr-00111)

Submitted: April 26, 2007

Decided: April 30, 2007

Before WILLIAMS, MICHAEL, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Louis C. Allen, Federal Public Defender, William C. Ingram, Jr., First Assistant Federal Public Defender, Greensboro, North Carolina, for Appellant. Lisa Blue Boggs, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Argelio Saucedo Renteria pled guilty, pursuant to a plea agreement, to possession of a short-barreled shotgun in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c) (2000). The district court sentenced Renteria to 120 months of imprisonment. Renteria's counsel has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), stating that, in his view, there are no meritorious issues for appeal but requests this Court to review whether the district court imposed an unreasonable sentence. Renteria was informed of his right to file a pro se supplemental brief but has not done so. We affirm.

Here, the statutory mandatory minimum set forth in 18 U.S.C. § 924(c)(1)(B)(i) (2000) became the applicable guidelines range. In sentencing Renteria, the district court considered the properly calculated advisory sentencing guidelines range and the factors set forth in 18 U.S.C.A. § 3553(a) (West 2000 & Supp. 2006). The sentence imposed is the statutory mandatory minimum sentence. Under these circumstances, absent a Government substantial assistance motion, the district court lacked discretion to impose a lesser sentence. See United States v. Robinson, 404 F.3d 850, 862 (4th Cir. 2005). Accordingly, Renteria's sentence is reasonable.

In accordance with Anders, we have reviewed the entire record for any meritorious issues and have found none.

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 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