

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-5061

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

KENNETH WAYNE STEPTER, JR.,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Durham. N. Carlton Tilley, Jr., District Judge. (1:06-cr-00114-NCT)

Submitted: May 10, 2007

Decided: May 14, 2007

Before MOTZ and DUNCAN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Thomas N. Cochran, Assistant Federal Public Defender, Greensboro, North Carolina, for Appellant. Anna Mills Wagoner, United States Attorney, Michael A. DeFranco, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kenneth Wayne Stepter, Jr., pled guilty pursuant to a plea agreement to one count of possession of a firearm by a felon, in violation of 18 U.S.C. §§ 922(g)(1); 924(a)(2) (2000). Stepter was sentenced by the district court to forty-one months' imprisonment. Finding no error, we affirm.

On appeal, Stepter initially contends that the presumption of reasonableness this court affords post-Booker* sentences imposed within a properly calculated Guidelines range is unconstitutional. This court's precedent, however, forecloses this argument. See, e.g., United States v. Montes-Pineda, 445 F.3d 375, 379 (4th Cir. 2006), petition for cert. filed, ___ U.S.L.W. ___ (U.S. July 21, 2006) (No. 06-5439); United States v. Johnson, 445 F.3d 339, 341-42 (4th Cir. 2006); United States v. Moreland, 437 F.3d 424, 433 (4th Cir.), cert. denied, 126 S. Ct. 2054 (2006); United States v. Green, 436 F.3d 449, 457 (4th Cir.), cert. denied, 126 S. Ct. 2309 (2006). Because one panel of this court cannot overrule another, we decline Stepter's invitation to ignore established circuit authority. United States v. Chong, 285 F.3d 343, 346-47 (4th Cir. 2002).

Stepter also contends that his sentence is unreasonable because it is greater than necessary to accomplish the goals of 18 U.S.C. § 3553(a) (2000). Because the district court properly

*United States v. Booker, 543 U.S. 220 (2005).

calculated and considered the advisory guideline range and weighed the relevant § 3553(a) factors, we conclude Stepter's sentence, which was below the statutory maximum and within the advisory guideline range, is reasonable. See United States v. Hughes, 401 F.3d 540, 546-47 (4th Cir. 2005).

Accordingly, we affirm the judgment of the district court. 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 in the decisional process.

AFFIRMED