

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-4387

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

GILBERTO VAZQUEZ MORALES, a/k/a Jose Luis
Corrales,

Defendant - Appellant.

Appeal from the United States District Court for the Middle
District of North Carolina, at Durham. William L. Osteen, Senior
District Judge. (1:06-cr-00272-WLO)

Submitted: October 5, 2007

Decided: August 13, 2008

Before KING and GREGORY, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Affirmed by unpublished per curiam opinion.

Stacey D. Rubain, QUANDER & RUBAIN, P.A., Winston-Salem, 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Unpublished opinions are not binding precedent in this circuit.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:

Gilberto Vazquez Morales pled guilty to distribution of methamphetamine and possession of a firearm by an illegal alien. He was sentenced to concurrent sixty-month sentences. He now appeals. Morales' attorney has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), alleging that the sentence is unreasonable but stating that there are no meritorious issues for review. Morales has filed a pro se supplemental brief raising additional issues. Finding no reversible error, we affirm.

We find no merit to Morales' claim of innocence, especially in light of his solemn admission of guilt at the Fed. R. Crim. P. 11 proceeding. See Blackledge v. Allison, 431 U.S. 63, 74 (1977). We also find that Morales' sentence, imposed within the properly calculated advisory guideline range and applicable statutory limits and after consideration of the factors set forth at 18 U.S.C.A. § 3553(a) (West Supp. 2007), is presumptively reasonable. The ill health and poverty of certain family members are not sufficient to rebut the presumption of reasonableness. See United States v. Montes-Pineda, 445 F.3d 275, 279 (4th Cir. 2006), cert. denied, 127 S. Ct. 3044 (2007); United States v. Hughes, 401 F.3d 540, 546 (4th Cir. 2005).

We have examined the entire record in this case in accordance with the requirements of Anders, and we find no meritorious issues for appeal. Accordingly, we affirm. This court

requires counsel inform her 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, counsel may move in this court for leave to withdraw from representation. Counsel's motion must state that a copy of the motion 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