

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-4507

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

LENNELL DYCHES,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Anderson. Joseph F. Anderson, Jr., Chief District Judge. (8:06-cr-00136)

Submitted: November 30, 2007

Decided: December 18, 2007

Before MOTZ, TRAXLER, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Allen B. Burnside, Assistant Federal Public Defender, Columbia, South Carolina, for Appellant. Reginald I. Lloyd, United States Attorney, E. Jean Howard, Assistant United States Attorney, Greenville, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Pursuant to a written plea agreement, Lennell Dyches pled guilty to five counts of armed bank robbery, in violation of 18 U.S.C. §§ 2113(a) and (d) (2000), and two counts of using and carrying a firearm during and in relation to a crime of violence, in violation of 18 U.S.C. § 924(c)(1)(A) (2000). Dyches was sentenced to 108 months' imprisonment for each bank robbery offense, to run concurrently, and 84 months and 300 months' imprisonment, respectively, for the firearms convictions, to run consecutively. Finding no error, we affirm.

Dyches contends that his sentence is unreasonable because the district court should have granted his motion for a variance in the guidelines range based on his medical history of hypothyroidism and depression. However, the district court appropriately calculated the advisory guideline range and considered it in conjunction with other relevant factors under the Guidelines and 18 U.S.C. § 3553(a) (2000). See United States v. Moreland, 437 F.3d 424, 432-33 (4th Cir.), cert. denied, 126 S. Ct. 2054 (2006). Dyches' medical history does not rise to the level required for an exception to the general principle that "mental and emotional conditions are not ordinarily relevant in determining whether a sentence should be outside the applicable guideline range." U.S.S.G. § 5H1.3; see also United States v. Withers, 100 F.3d 1142, 1147-48 (4th Cir. 1996). Dyches' sentence, which is within the

applicable guidelines range and the statutory maximum for each offense, is therefore reasonable. See United States v. Green, 436 F.3d 449, 457 (4th Cir.), cert. denied, 126 S. Ct. 2309 (2006); see also Rita v. United States, 127 S. Ct. 2456, 2462-65 (2007).

Accordingly, we affirm the district court's judgment. 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