UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-4301

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JERMAINE DONNELL BANKS,

Defendant - Appellant.

Appeal from the United States District Court for the Southern District of West Virginia, at Bluefield. David A. Faber, District Judge. (1:07-cr-00157-1)

Submitted: March 31, 2009 Decided: April 10, 2009

Before WILKINSON, MICHAEL, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Gregory J. Campbell, CAMPBELL LAW OFFICES, Charleston, West Virginia, for Appellant. Miller A. Bushong, III, OFFICE OF THE UNITED STATES ATTORNEY, Beckley, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Pursuant to a plea agreement, Jermaine Donnell Banks pled guilty to possession with intent to distribute five grams or more of cocaine base ("crack"), in violation of 21 U.S.C. § 841(a)(1) (2006). The district court sentenced Banks to 192 months in prison. Banks' counsel has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), stating that, in his view, there are no meritorious grounds for appeal. Counsel questions whether the sentence imposed by the district court is reasonable. Banks was advised of his right to file a pro se supplemental brief, but he did not file one.

We review the sentence imposed by the district court for an abuse of discretion. Gall v. United States, 128 S. Ct. 586, 597 (2007). Our review of the record leads us to conclude that the district court followed the necessary procedural steps in sentencing Banks, properly calculating the advisory guidelines range and considering that range in conjunction with the factors set forth in 18 U.S.C. § 3553(a) (2006). Id. We also find that the district court meaningfully articulated its refusal to vary from the guidelines range and to sentence Banks near the bottom of the range. Id. Thus, we conclude that the sentence is reasonable. See United States v. Go, 517 F.3d 216, 218 (4th Cir. 2008) (applying presumption of reasonableness to within-guidelines sentence).

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