

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-4381

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

STEVEN ERIC OWENS,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Greenville. Henry F. Floyd, District Judge. (6:05-cr-00814-HFF-1)

Submitted: October 21, 2008

Decided: October 24, 2008

Before MICHAEL, TRAXLER, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Benjamin T. Stepp, Assistant Federal Public Defender, Greenville, South Carolina, for Appellant. Regan Alexandra Pendleton, Assistant United States Attorney, Greenville, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Steven Eric Owens appeals from his convictions and 160-month sentence imposed following his guilty plea to possession of methamphetamine with intent to distribute, possession of equipment that could be used to manufacture methamphetamine, endangering life while manufacturing or attempting to manufacture methamphetamine, and using or carrying a firearm during and in relation to a drug trafficking offense. Owens' attorney filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), addressing the reasonableness of the sentence, but stating that there was no merit to the appeal. Owens was informed of his right to file a supplemental pro se brief, but has declined to do so. We affirm Owens' convictions and sentence.

Appellate courts review sentences imposed by district courts for reasonableness, applying an abuse of discretion standard. Gall v. United States, 128 S. Ct. 586, 597 (2007); see United States v. Pauley, 511 F.3d 468, 473 (4th Cir. 2007). When sentencing a defendant, a district court must: (1) properly calculate the guideline range; (2) treat the guidelines as advisory; (3) consider the factors set out in 18 U.S.C.A. § 3553(a) (West 2000 & Supp. 2008); and (4) explain its reasons for selecting a sentence. Pauley, 511 F.3d at 473. We presume that a sentence within the properly calculated sentencing

guidelines range is reasonable. United States v. Allen, 491 F.3d 178, 193 (4th Cir. 2007); see also Rita v. United States, 127 S. Ct. 2456, 2462-69 (2007) (upholding application of rebuttable presumption of correctness of within guideline sentence). The district court followed the necessary steps in sentencing Owens, and we find no abuse of discretion in the sentence of 160 months of imprisonment. We therefore affirm his convictions and sentence.

As required by Anders, we have reviewed the entire record and have found no meritorious issues for appeal. 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 renew his motion 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