

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-4666

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

THOMAS LAUREN PFOFF,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at New Bern. Louise W. Flanagan, Chief District Judge. (7:06-cr-00069-FL-1)

Submitted: May 15, 2009

Decided: June 4, 2009

Before NIEMEYER, MOTZ, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Sue Genrich Berry, BOWEN AND BERRY, PLLC, Wilmington, North Carolina, for Appellant. Anne Margaret Hayes, Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Thomas Lauren Pfoff appeals from his robbery and firearm convictions and his 300-month sentence entered pursuant to his guilty plea. Pfoff's counsel has filed an Anders* brief, concluding that there are no meritorious issues for appeal. Pfoff and the Government have declined to file briefs. After a thorough review of the record, we affirm.

After signing a detailed plea agreement, Pfoff pled guilty following a thorough Fed. R. Crim. P. 11 colloquy. He testified that he was fully satisfied with his attorney and that he was pleading guilty voluntarily. Subsequently, the district court followed the necessary procedural steps in sentencing Pfoff, appropriately treating the Guidelines as advisory, referencing the sentencing factors in 18 U.S.C. § 3553(a) (2006), and providing an individualized assessment based on the facts presented. See Gall v. United States, 128 S. Ct. 586, 596-97 (2007). Pfoff's sentence was the sentence the parties agreed to as appropriate in the plea agreement; moreover, as it was within the Guidelines range, we may presume that it was reasonable. See United States v. Pauley, 511 F.3d 468, 473 (4th Cir. 2007).

* Anders v. California, 386 U.S. 738 (1967).

Our review of the record showed no meritorious issues for review. Accordingly, we affirm Pfoff's convictions and sentence. This court requires that 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, 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