UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-4878

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TERRY HEADEN,

Defendant - Appellant.

Appeal from the United States District Court for the Southern District of West Virginia, at Bluefield. David A. Faber, Senior District Judge. (1:07-cr-00139-1)

Submitted: August 26, 2009 Decided: September 18, 2009

Before WILKINSON, GREGORY, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

David O. Schles, LAW OFFICE OF DAVID SCHLES, Charleston, West Virginia, for Appellant. Charles T. Miller, United States Attorney, Miller Bushong, Assistant United States Attorney, Beckley, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Terry Headen appeals the district court's judgment imposing concurrent sentences of 240 months' imprisonment after Headen pled guilty to conspiracy to distribute oxycodone in violation of 21 U.S.C. § 846 (2006) and conspiracy to commit money laundering in violation of 18 U.S.C. § 1956 (West 2006 & Supp. 2008).

We find the district court did not err in imposing a four-level increase in the total offense level as to the money laundering conviction under U.S. Sentencing Guidelines Manual § 3B1.1(a) (2008) for Headen's leadership role. We find that the district court appropriately considered the advisory nature of the guidelines range and the factors set forth in 18 U.S.C. § 3553(a) (2006), independently calculated a sentencing range, and imposed a reasonable sentence. See Gall v. United States, 552 U.S. 38, 128 S. Ct. 586, 596 (2007); United States v. Carter, 564 F.3d 325, 329 (4th Cir. 2009); United States v. Pauley, 511 F.3d 468, 473 (4th Cir. 2007). Nor did the court err by declining to depart downward after recognizing its authority to do so. See United States v. Quinn, 369 F.3d 666, 682 (4th Cir. 2004). 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