

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-5201

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

EUREKA BARNES,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Florence. Terry L. Wooten, District Judge. (4:05-cr-01297-TLW-1)

Submitted: August 6, 2009

Decided: January 12, 2010

Before MOTZ, SHEDD, and AGEE, Circuit Judges.

Affirmed by unpublished per curiam opinion.

David B. Betts, Columbia, South Carolina, for Appellant. W. Walter Wilkins, United States Attorney, Carrie A. Fisher, William E. Day, Assistant United States Attorneys, Florence, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Eureka Barnes pled guilty to one count of making false statements to a Secret Service agent, in violation of 18 U.S.C. § 1001 (2006). Barnes was sentenced to thirty-six months' imprisonment, and now appeals. Finding no error, we affirm.

We find Barnes's sentence is not procedurally unreasonable. In sentencing a defendant, a district court must first properly calculate the Guideline range. Gall v. United States, 552 U.S. 38, ___, 128 S. Ct. 586, 596 (2007). When reviewing the district court's application of the Sentencing Guidelines, this court reviews findings of fact for clear error and questions of law de novo. United States v. Osborne, 514 F.3d 377, 387 (4th Cir.), cert. denied, 128 S. Ct. 2525 (2008).

Having reviewed the record, we conclude that the district court followed the necessary procedural steps in sentencing Barnes, and properly calculated the applicable Guideline range. Accordingly, we affirm the conviction and sentence. 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