

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-4182

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SHILOH RANA BENNETT, a/k/a Regina Dianne Bennett,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Greenville. Henry M. Herlong, Jr., Senior District Judge. (6:08-cr-00206-HMH-2)

Submitted: November 30, 2009

Decided: December 23, 2009

Before WILKINSON, NIEMEYER, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

James B. Loggins, Assistant Federal Public Defender, Greenville, South Carolina, for Appellant. David Calhoun Stephens, Assistant United States Attorney, Greenville, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Shiloh Rana Bennett pled guilty to uttering counterfeit securities, in violation of 18 U.S.C. §§ 513(a) & 2 (2006), and fraud with false documents, in violation of 18 U.S.C. §§ 1028(a)(3) & 2 (2006). The district court sentenced Bennett to concurrent terms of thirty months in prison. Bennett timely appealed. Counsel filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), finding no meritorious grounds for appeal but questioning whether Bennett's sentence was reasonable. Bennett was advised of, but did not exercise, her right to file a pro se supplemental brief.

We review a sentence for reasonableness under an abuse of discretion standard. Gall v. United States, 552 U.S. 38, 51 (2007). This review requires appellate consideration of both the procedural and substantive reasonableness of a sentence. Id. After determining whether the district court properly calculated the defendant's advisory guidelines range, we must then assess whether the district court considered the § 3553(a) factors, analyzed any arguments presented by the parties, and sufficiently explained the selected sentence. Id. at 50-51; see United States v. Carter, 564 F.3d 325, 330 (4th Cir. 2009). The record must establish that the district court made "an individualized assessment based on the facts presented." Gall, 552 U.S. at 51.

We find no error by the district court in calculating Bennett's guidelines range. Moreover, the court's statements at Bennett's sentencing hearing reflect an "individualized assessment" of the facts pertaining to her sentence. We also find the below-guidelines sentence to be substantively reasonable.

In accordance with Anders, we have reviewed the record in this case and have found no meritorious issues for appeal. We therefore affirm the district court's judgment. This court requires that counsel inform Bennett, in writing, of the right to petition the Supreme Court of the United States for further review. If Bennett 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 Bennett. 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