

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-4271

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RAHEEN ROBINSON,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Robert E. Payne, Senior District Judge. (3:96-cr-00085-REP-2)

Submitted: February 16, 2010

Decided: March 1, 2010

Before KING and AGEE, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Michael S. Nachmanoff, Federal Public Defender, Carolyn V. Grady, Assistant Federal Public Defender, Richmond, Virginia, for Appellant. Stephen David Schiller, Assistant United States Attorney, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Raheen Robinson appeals the district court's judgment revoking his supervised release and sentencing him to eighteen months' imprisonment. Robinson's counsel filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), stating that there are no meritorious issues for appeal, but questioning whether the sentence, which is above the policy statement range but within the statutory maximum, is plainly unreasonable. Robinson was advised of his right to file a pro se supplemental brief, but he did not file one.

Our review of the record leads us to conclude that the district court sufficiently considered the advisory policy statement range of four to ten months and the statutory sentencing factors in imposing a sentence above the policy statement range but within the statutory maximum set forth in 18 U.S.C. § 3583(e)(3) (2006). We therefore conclude that the sentence imposed upon revocation of supervised release is not plainly unreasonable. See United States v. Crudup, 461 F.3d 433, 439-40 (4th Cir. 2006) (providing standard).

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 Robinson, in writing, of

his right to petition the Supreme Court of the United States for further review. If Robinson 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 Robinson. 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