

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-4050

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MODESTO PRADO MANRIQUE, a/k/a Eduardo Carrillo, a/k/a Marco
Govea Torres,

Defendant - Appellant.

Appeal from the United States District Court for the Western
District of North Carolina, at Charlotte. Robert J. Conrad,
Jr., Chief District Judge. (3:10-cr-00097-RJC-1)

Submitted: October 18, 2011

Decided: October 20, 2011

Before WILKINSON, MOTZ, and DIAZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Claire J. Rauscher, Executive Director, Ross H. Richardson,
Assistant Federal Defender, Charlotte, North Carolina, for
Appellant. Amy Elizabeth Ray, Assistant United States Attorney,
Asheville, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Modesto Prado Manrique appeals the forty-one-month sentence imposed after he pled guilty to illegal reentry by an aggravated felon, in violation of 8 U.S.C. § 1326(a), (b) (2006). Counsel filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967), questioning the reasonableness of Manrique's sentence but stating that there are no meritorious grounds for appeal. Manrique received notice of his right to file a pro se supplemental brief but did not file one. We affirm.

This court reviews a district court's sentence for reasonableness under an abuse-of-discretion standard. Gall v. United States, 552 U.S. 38, 51 (2007); see also United States v. Pauley, 511 F.3d 468, 473-74 (4th Cir. 2007). We review the procedural reasonableness of a sentence by examining whether the district court properly calculated the Guidelines range, determined whether a sentence within that range serves the factors set out in 18 U.S.C. § 3553(a) (2006), and explained its reasons for selecting the chosen sentence. Pauley, 511 F.3d at 473. "A sentence within the proper Sentencing Guidelines range is presumptively reasonable." United States v. Allen, 491 F.3d 178, 193 (4th Cir. 2007).

The district court followed the necessary procedural steps in sentencing Manrique. In addition, Manrique fails to

rebut the presumption of reasonableness accorded his within-Guidelines sentence. Hence, we conclude that the sentence is reasonable.

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