

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-4610

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ALLEN GREY BEASLEY,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of Virginia, at Abingdon. James P. Jones, District Judge. (1:11-cr-00037-JPJ-PMS-1)

Submitted: April 8, 2013

Decided: April 16, 2013

Before DAVIS, WYNN, and THACKER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Michael L. Dennis, GALUMBECK, DENNIS & KEGLEY, Tazewell, Virginia, for Appellant. Jean Barrett Hudson, Assistant United States Attorney, Charlottesville, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Allen Grey Beasley appeals the 240-month, downward departure sentence he received on his conviction of conspiring to distribute and possess with intent to distribute methamphetamine, in violation of 21 U.S.C.A. §§ 841(b)(1)(A) and 846 (West 1999 & Supp. 2012). Although the Government has filed a motion to dismiss the appeal under United States v. Hill, 70 F.3d 321, 324 (4th Cir. 1995), as challenging only the extent of the substantial assistance downward departure that Beasley received, we believe that Beasley's appellate arguments are better read as essentially challenging his sentence as procedurally and substantively unreasonable, as measured against the sentence received by one of his codefendants who did not provide substantial assistance to the Government. We therefore deny the Government's motion.

Nevertheless, we affirm the judgment of the district court. We discern no procedural error with the district court's computation of the Guidelines range or its weighing of the various applicable factors – including the sentence received by Beasley's codefendant – in determining the length of Beasley's sentence. See Gall v. United States, 552 U.S. 38, 51 (2007); see also 18 U.S.C. §§ 3553(a), (e) (2006); U.S. Sentencing Guidelines Manual § 5G1.1(b). Nor has Beasley identified any reason to disturb the presumptive substantive reasonableness of

his below-Guidelines sentence. United States v. Susi, 674 F.3d 278, 289 (4th Cir. 2012) (a sentence falling below the advisory Guidelines range is presumptively reasonable).

Accordingly, we affirm the judgment of the district court. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED