UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-4696

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DARL E. VANMETER, f/k/a Darl E. VanMeter,

Defendant - Appellant.

Appeal from the United States District Court for the Northern District of West Virginia, at Elkins. John Preston Bailey, Chief District Judge. (2:12-cr-00012-JPB-JSK-1)

Submitted: February 15, 2013 Decided: March 29, 2013

Before KING, DIAZ, and FLOYD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Kristen Leddy, Research and Writing Specialist, Martinsburg, West Virginia; L. Richard Walker, Senior Litigator, Clarksburg, West Virginia, for Appellant. William J. Ihlenfeld, II, United States Attorney, Robert H. McWilliams, Jr., Assistant United States Attorney, Wheeling, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Darl E. Vanmeter pled guilty, pursuant to a written plea agreement, to aiding and abetting the possession of materials used in the manufacture of methamphetamine, in violation of 21 U.S.C. § 843(a)(6), (d)(2) (2006). The district court sentenced Vanmeter below his Guidelines range to ninety-six months' imprisonment. On appeal, Vanmeter challenges the substantive reasonableness of the sentence, contending that it is greater than necessary to accomplish the goals of 18 U.S.C. § 3553(a) (2006), particularly rehabilitation. Finding no reversible error, we affirm.

This court reviews the district court's sentence, "whether inside, just outside, or significantly outside the Guidelines range[,] under a deferential abuse-of-discretion standard." Gall v. United States, 552 U.S. 38, 41 (2007). When reviewing a sentence for substantive reasonableness, this court examines "the totality of the circumstances, including the extent of any variance from the Guidelines range." Id. at 51. We must be satisfied that the district court "considered the parties' arguments and has a reasoned basis" for its decision. United States v. Diosdado-Star, 630 F.3d 359, 364 (4th Cir. 2011) (internal quotation marks omitted).

We conclude that Vanmeter's ninety-six-month, below-Guidelines sentence is substantively reasonable. The district

court demonstrated that it considered Vanmeter's arguments for a thirty-six-month sentence, as well as the relevant § 3553(a) factors, and had a reasoned basis for its sentencing decision. We conclude that the district court did not abuse its discretion.

Accordingly, we affirm the district court's judgment. 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