

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-4779

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOHN WOMACK, JR.,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. Catherine C. Eagles, District Judge. (1:12-cr-00176-CCE-1)

Submitted: March 8, 2013

Decided: March 19, 2013

Before MOTZ, SHEDD, and WYNN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Louis C. Allen III, Federal Public Defender, Gregory Davis, Senior Litigator, Winston-Salem, North Carolina, for Appellant. Robert Michael Hamilton, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

John Womack, Jr., appeals the forty-one-month sentence imposed after his guilty plea to mail fraud, in violation of 18 U.S.C. § 1341 (2006), and making false statements, in violation of 18 U.S.C. § 1033(a)(1) (2006). Womack's counsel submitted a brief pursuant to Anders v. California, 386 U.S. 738 (1967), asserting that there are no meritorious issues for review but questioning the reasonableness of Womack's sentence. Womack was advised of his right to file a pro se supplemental brief but has not done so. We affirm.

This court reviews Womack's sentence for reasonableness, applying an abuse-of-discretion standard. Gall v. United States, 552 U.S. 38, 51 (2007). This requires consideration of both the procedural and substantive reasonableness of the sentence. Id.; United States v. Lynn, 592 F.3d 572, 575 (4th Cir. 2010). Our review of the record confirms that Womack's within-Guidelines sentence is both procedurally and substantively reasonable. See United States v. Powell, 650 F.3d 388, 395 (4th Cir.) (stating that sentence within correctly calculated Guidelines range is presumptively reasonable on appeal), cert. denied, 132 S. Ct. 350 (2011).

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 Womack, in writing, of the right to petition the Supreme Court of the United States for further review. If Womack 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 Womack. 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