

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-6927

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

NOEL ROBINSON, a/k/a Bongo, a/k/a Mr. B,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Spartanburg. Henry M. Herlong, Jr., Senior District Judge. (7:10-cr-00043-HMH-2)

Submitted: December 6, 2012

Decided: December 13, 2012

Before MOTZ, GREGORY, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Hannah Rogers Metcalfe, METCALFE & ATKINSON, LLC, Greenville, South Carolina, for Appellant. Leesa Washington, Assistant United States Attorney, Greenville, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Noel Robinson pled guilty to conspiracy to distribute methamphetamine, cocaine, and cocaine base ("crack"), in violation of 21 U.S.C.A. §§ 841(a)(1), (b)(1)(A), 846 (West Supp. 2012), and was sentenced to 139 months' imprisonment. In our prior consideration of this case, we affirmed Robinson's conviction but remanded for resentencing. United States v. Robinson, 462 F. App'x 418 (4th Cir. 2012) (No. 11-4332). On remand, Robinson was again sentenced to 139 months' imprisonment. Robinson's counsel has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), asserting that there are no meritorious issues for appeal. Robinson was notified of his right to file a pro se supplemental brief but, despite being granted an extension of time to do so, he did not file a brief. The Government has elected not to file a brief. We affirm Robinson's sentence.

We review a sentence for reasonableness, applying the 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). After determining whether the district court correctly calculated the advisory Guidelines range, we examine whether the court considered the 18 U.S.C. § 3553(a) (2006) factors, analyzed the

arguments presented by the parties, and sufficiently explained the selected sentence. Lynn, 592 F.3d at 575-76; United States v. Carter, 564 F.3d 325, 330 (4th Cir. 2009). Although the district court must set forth sufficient reasons for its selected sentence, application of a within-Guidelines sentence "will not necessarily require lengthy explanation." Rita v. United States, 551 U.S. 338, 356 (2007). If the sentence is free of significant procedural error, we review the substantive reasonableness of the sentence. Lynn, 592 F.3d at 575; United States v. Pauley, 511 F.3d 468, 473 (4th Cir. 2007).

We have reviewed the record and determined that Robinson's sentence is procedurally reasonable. We further conclude that Robinson's sentence is substantively reasonable. United States v. Abu Ali, 528 F.3d 210, 261 (4th Cir. 2008) ("[A] sentence located within a correctly calculated [G]uidelines range is presumptively reasonable."). After a complete review of the record pursuant to Anders, we conclude that there are no meritorious issues for appeal. We therefore affirm Robinson's sentence.

This court requires that counsel inform Robinson, in writing, of the 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 this court and argument would not aid the decisional process.

AFFIRMED