

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-4071

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DAVID MCCOY FERRELL, 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-00142-CCE-1)

Submitted: September 26, 2013 Decided: September 30, 2013

Before SHEDD, DUNCAN, and WYNN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

George E. Crump, III, Rockingham, North Carolina, for Appellant.
Kyle David Pousson, OFFICE OF THE UNITED STATES ATTORNEY,
Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

David McCoy Ferrell, Jr., pled guilty to possession of a firearm by a convicted felon. The district court sentenced him to 46 months' imprisonment. Ferrell's counsel filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967), stating that, in counsel's view, there are no meritorious issues for appeal, but questioning whether the court erred by finding that Ferrell possessed the firearm in connection with another felony offense. Ferrell has filed a pro se supplemental brief, addressing the same issue. Finding no reversible error, we affirm.

We have reviewed Ferrell's sentence and conclude that the district court did not clearly err in finding that the possession of the firearm was in connection with the felony offense of possession of marijuana with the intent to sell and deliver. See United States v. Daughtrey, 874 F.2d 213, 217-18 (4th Cir. 1989). Moreover, the sentence imposed was reasonable. See Gall v. United States, 552 U.S. 38, 51 (2007); United States v. Llamas, 599 F.3d 381, 387 (4th Cir. 2010). The district court followed the necessary procedural steps in sentencing Ferrell, appropriately treated the Sentencing Guidelines as advisory, properly calculated and considered the applicable Guidelines range, and weighed the relevant 18 U.S.C. § 3553(a) (2006) factors in light of Ferrell's individual

characteristics and history. We conclude that the district court did not abuse its discretion in imposing the chosen sentence. See Gall, 552 U.S. at 41; United States v. Allen, 491 F.3d 178, 193 (4th Cir. 2007) (applying appellate presumption of reasonableness to within-Guidelines sentence).

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