

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-4315

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MICHAEL SCOTT BUGHER,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. Thomas D. Schroeder, District Judge. (1:12-cr-00304-TDS-1)

Submitted: November 20, 2013

Decided: December 18, 2013

Before DIAZ and THACKER, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Stacey D. Rubain, QUANDER & RUBAIN, P.A., Winston-Salem, North Carolina, for Appellant. Anand P. Ramaswamy, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Michael Scott Bugher appeals his conviction and sixty-month sentence imposed following his guilty plea to receiving child pornography, in violation of 18 U.S.C. § 2252A(a)(2) (2012). Bugher's counsel has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), concluding that there are no meritorious grounds for appeal. Bugher was notified of his right to file a supplemental pro se brief but has not done so. Following careful review of the record, we affirm.

Before accepting Bugher's guilty plea, the district court conducted a thorough plea colloquy, fully complying with Fed. R. Crim. P. 11 and ensuring that Bugher's plea was knowing and voluntary and supported by an independent factual basis. See United States v. DeFusco, 949 F.2d 114, 116, 119-20 (4th Cir. 1991). The district court subsequently followed all necessary procedural steps in sentencing Bugher, properly calculating the Guidelines range, considering the 18 U.S.C. § 3553(a) (2012) factors and the parties' arguments, and providing an individualized assessment based on the facts presented. See Gall v. United States, 552 U.S. 38, 51 (2007). Bugher's below-Guidelines sentence is presumed substantively reasonable on appeal, and he has not met his burden to rebut this presumption. See United States v. Susi, 674 F.3d 278, 289

(4th Cir. 2012); United States v. Montes-Pineda, 445 F.3d 375, 379 (4th Cir. 2006).

In accordance with Anders, we have reviewed the record and have found no meritorious grounds for appeal. We therefore affirm the district court's judgment. This court requires that counsel inform Bugher, in writing, of the right to petition the Supreme Court of the United States for further review. If Bugher 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 Bugher.

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