

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-4399

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

BRIAN CLIFTON JACKSON,

Defendant - Appellant.

Appeal from the United States District Court for the Northern District of West Virginia, at Martinsburg. Gina M. Groh, District Judge. (3:13-cr-00001-GMG-DJJ-1)

Submitted: December 20, 2013

Decided: February 6, 2014

Before NIEMEYER, DAVIS, and KEENAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Brian J. Kornbrath, Federal Public Defender, Clarksburg, West Virginia, for Appellant. Stephen Donald Warner, Assistant United States Attorney, Elkins, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Brian Clifton Jackson appeals his conviction and the eighty-four-month sentence imposed following his guilty plea to use of a communication facility in furtherance of a drug transaction, in violation of 21 U.S.C. § 843(b) (2012). Jackson's counsel has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), concluding that there are no meritorious issues for appeal. Jackson was notified of his right to file a pro se supplemental brief but has not done so. The Government has declined to file a response brief. Following a careful review of the record, we affirm.

Before accepting Jackson's guilty plea, the district court conducted a thorough plea colloquy, fully complying with Fed. R. Crim. P. 11 and ensuring that Jackson's plea was knowing and voluntary and supported by an independent factual basis. See United States v. DeFusco, 949 F.2d 114, 117 (4th Cir. 1991). The court subsequently followed all necessary procedural steps in sentencing Jackson, properly calculating his 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). Jackson's within-Guidelines sentence is presumed substantively reasonable on appeal, and he

has not met his burden to rebut this presumption. United States v. Montes-Pineda, 445 F.3d 375, 379 (4th Cir. 2006).

In accordance with Anders, we have reviewed the record in this case and have found no meritorious issues for appeal. We therefore affirm Jackson's conviction and sentence.

This court requires that counsel inform Jackson, in writing, of the right to petition the Supreme Court of the United States for further review. If Jackson 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 Jackson.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument will not aid the decisional process.

AFFIRMED