

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-4518

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JADONAVAN O'BRYANT JOHNSON,

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-00425-CCE-1)

Submitted: December 19, 2013

Decided: December 23, 2013

Before SHEDD, DAVIS, and FLOYD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Louis C. Allen III, Federal Public Defender, William S. Trivette, Assistant Federal Public Defender, Greensboro, North Carolina, for Appellant. Ripley Rand, United States Attorney, T. Nick Matkins, Special Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jadonavan O'Bryant Johnson pled guilty, pursuant to a written plea agreement, to being a felon in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(1), 924(e)(2) (2012). The district court sentenced Johnson to 204 months' imprisonment. On appeal, Johnson questions whether his sentence is substantively reasonable. Finding no error, we affirm.

Johnson challenges the substantive reasonableness of his sentence, which was at the upper-end of the applicable Sentencing Guidelines range. We review the sentence for reasonableness "under a deferential abuse-of-discretion standard." Gall v. United States, 552 U.S. 38, 41 (2007). A sentence is procedurally reasonable if the court properly calculates the defendant's advisory Guidelines range, gives the parties an opportunity to argue for an appropriate sentence, considers the 18 U.S.C. § 3553(a) (2012) factors, does not rely on clearly erroneous facts, and sufficiently explains the selected sentence. Id. at 49-51.

As to substantive reasonableness, the 204-month sentence, within Johnson's properly-calculated Guidelines range, is entitled to a presumption of reasonableness, United States v. Strieper, 666 F.3d 288, 295 (4th Cir. 2012), which Johnson has not rebutted. See United States v. Montes-Pineda, 445 F.3d 375, 379 (4th Cir. 2006) ("A defendant can only rebut the presumption

by demonstrating that the sentence is unreasonable when measured against the [18 U.S.C.] § 3553(a) factors." (internal quotation marks and alteration omitted)). The district court therefore did not abuse its discretion and imposed a reasonable sentence.

Accordingly, we affirm the judgment. 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