

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-4564

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RICHARD LEE JONES,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. N. Carlton Tilley, Jr., Senior District Judge. (1:12-cr-00326-NCT-1)

Submitted: December 17, 2013

Decided: December 19, 2013

Before KING, GREGORY, and WYNN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Louis C. Allen III, Federal Public Defender, Gregory Davis, Senior Litigator, Winston-Salem, North Carolina, for Appellant. Terry Michael Meinecke, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Richard Lee Jones appeals his eighty-seven-month sentence following his guilty plea to possession with intent to distribute fifty grams or more of methamphetamine, in violation of 21 U.S.C. § 841 (2012). In accordance with Anders v. California, 386 U.S. 738 (1967), Jones' counsel has filed a brief certifying that there are no meritorious grounds for appeal but questioning whether Jones' sentence is substantively reasonable. Jones has not filed a supplemental brief despite receiving notice of his right to do so. We affirm.

We review Jones' sentence for reasonableness, using an abuse of discretion standard. Gall v. United States, 552 U.S. 38, 51 (2007). We first review for significant procedural errors, including improperly calculating the Guidelines range, failing to consider the 18 U.S.C. § 3553(a) (2012) factors, sentencing under clearly erroneous facts, or failing to adequately explain the sentence. Id. at 51; see United States v. Evans, 526 F.3d 155, 161 (4th Cir. 2008). Only if we conclude a sentence is procedurally reasonable may we consider its substantive reasonableness. United States v. Carter, 564 F.3d 325, 328 (4th Cir. 2009).

Here, the district court correctly calculated Jones' Guidelines range and fully explained its reasoning supporting Jones' sentence. Accordingly, we conclude that the sentence is procedurally and substantively reasonable. See United States v.

Montes-Pineda, 445 F.3d 375, 379 (4th Cir. 2006) (affording within-Guidelines range sentence presumption of reasonableness on appeal).

In accordance with Anders, we have reviewed the entire record and have found no meritorious grounds for appeal. We therefore affirm the district court's judgment. This court requires that counsel inform Jones, in writing, of his right to petition the Supreme Court of the United States for further review. If Jones requests that a petition be filed, but counsel believes that such a petition would be frivolous, counsel may move in this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on Jones. 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