

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-4725

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LUIS ELRIQUE RAMOS,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. Thomas D. Schroeder, District Judge. (1:13-cr-00033-TDS-1)

Submitted: March 27, 2014

Decided: March 31, 2014

Before MOTZ, Circuit Judge, and HAMILTON and DAVIS, Senior Circuit Judges.

Affirmed by unpublished per curiam opinion.

Lisa S. Costner, LISA S. COSTNER, 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Unpublished opinions are not binding precedent in this circuit.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:

Luis Elrique Ramos appeals his conviction and 10-month sentence imposed following his guilty plea to failure to register as a sex offender, in violation of 18 U.S.C. § 2250(a) (2012). On appeal, Ramos' counsel has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), concluding that there are no meritorious issues for appeal. Ramos 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 Ramos' guilty plea, the district court conducted a thorough plea colloquy, fully complying with Fed. R. Crim. P. 11 and ensuring that Ramos' plea was knowing, voluntary, and supported by an independent factual basis. See United States v. DeFusco, 949 F.2d 114, 116 (4th Cir. 1991). The court followed all necessary procedural steps in sentencing Ramos, 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). Ramos' within-Guidelines sentence of imprisonment is presumed substantively reasonable on appeal, and he has not met his burden to rebut this presumption. See United States v. Montes-Pineda, 445 F.3d 375, 379 (4th Cir. 2006). And although

the district court varied upward in imposing a term of supervised release, citing the need for deterrence, we conclude the court's judgment in this regard was not unreasonable.

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

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