

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-4987

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

STEVEN KENARD BINES,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. Thomas D. Schroeder, District Judge. (1:10-cr-00234-TDS-1)

Submitted: June 26, 2014

Decided: July 1, 2014

Before WILKINSON, KING, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Louis C. Allen, Federal Public Defender, John A. Duberstein, Assistant Federal Public Defender, Greensboro, North Carolina, for Appellant. Harry L. Hobgood, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Steven Kenard Bines pled guilty, pursuant to a plea agreement, to conspiracy to distribute cocaine base, in violation of 21 U.S.C. § 846 (2012). The district court sentenced Bines to 180 months' imprisonment, a variance of eight months below the Guidelines range. On appeal, counsel has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), certifying that there are no meritorious grounds for appeal but questioning the substantive reasonableness of Bines' sentence. Bines was informed of his right to file a pro se brief, but he has not done so. We affirm.

Bines asserts that his sentence is greater than necessary to address the 18 U.S.C. § 3553(a) (2012) factors. This argument is unavailing. In sentencing Bines, the district court followed all necessary procedural steps, properly calculating the Guidelines range, considering the § 3553(a) 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). Bines' below-Guidelines sentence is presumed substantively reasonable on appeal, and he has not met his burden to rebut this presumption. 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). Thus, we conclude that the district court did not

abuse its discretion in sentencing Bines. See Gall, 552 U.S. at 51.

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 Bines, in writing, of the right to petition the Supreme Court of the United States for further review. If Bines 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 Bines.

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