

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-6798

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MARK MCGARRETT LEWIS,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Florence. R. Bryan Harwell, District Judge. (4:09-cr-00949-RBH-1)

Submitted: November 21, 2013 Decided: November 25, 2013

Before KING, DUNCAN, and DIAZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

William F. Nettles, IV, Assistant Federal Public Defender, Florence, South Carolina, for Appellant. William N. Nettles, United States Attorney, Alfred W. Bethea, Jr., Assistant United States Attorney, Florence, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Mark McGarrett Lewis appeals from the 74-month sentence imposed upon resentencing under the Fair Sentencing Act. He contends that the sentence is unreasonable because the district court denied his request for a variance based on his post-sentencing rehabilitation without addressing how Lewis's rehabilitation efforts impacted the factors in 18 U.S.C. § 3553(a) (2012). We affirm.

We have reviewed Lewis's sentence and conclude that the sentence imposed was reasonable. See Gall v. United States, 552 U.S. 38, 51 (2007); United States v. Llamas, 599 F.3d 381, 387 (4th Cir. 2010). The district court followed the necessary procedural steps in sentencing Lewis. The court properly calculated and considered the applicable Guidelines range, and appropriately treated the Sentencing Guidelines as advisory. We conclude that the district court appropriately considered and rejected Lewis's request for a variant sentence in light of the § 3553(a) factors and Lewis's individual characteristics and history, sufficiently explained the reasons for the sentence, and did not abuse its discretion in imposing the chosen sentence. See Gall, 552 U.S. at 41; United States v. Allen, 491 F.3d 178, 193 (4th Cir. 2007) (applying appellate presumption of reasonableness to within-Guidelines sentence).

Accordingly, we affirm Lewis's 74-month sentence. We deny Lewis's motion for a transcript at government expense and his motion for leave to file a supplemental brief. 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