

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-4289

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TRACY DEWAYNE ANDREWS, JR.,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. Catherine C. Eagles, District Judge. (1:13-cr-00373-CCE-2)

Submitted: October 16, 2014

Decided: October 20, 2014

Before MOTZ, WYNN, and THACKER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Robert L. McClellan, IVEY, MCCLELLAN, GATTON & TALCOTT, L.L.P., Greensboro, 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Unpublished opinions are not binding precedent in this circuit.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:

Tracy Dewayne Andrews, Jr., appeals his conviction and 120-month sentence imposed following his guilty plea to possession of a firearm as a convicted felon, in violation of 18 U.S.C. § 922(g)(1) (2012). Andrews' counsel has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), asserting that there are no meritorious issues for appeal. Andrews 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 Andrews' guilty plea, the district court conducted a thorough plea colloquy, fully complying with Fed. R. Crim. P. 11 and ensuring that Andrews' 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 requisite procedural steps in sentencing Andrews, by calculating the correct Guidelines range; considering the parties' arguments, Andrews' allocution, and the 18 U.S.C. § 3553(a) (2006) factors; and providing an individualized assessment based on the facts presented. See Gall v. United States, 552 U.S. 38, 51 (2007). Andrews' within-Guidelines sentence is presumed substantively reasonable on appeal, and he does not meet his burden to rebut this

presumption. See United States v. Montes-Pineda, 445 F.3d 375, 379 (4th Cir. 2006).

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

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