

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-4469

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

BILL ALLEN,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. James C. Dever, III, Chief District Judge. (5:13-cr-00147-D-1)

Submitted: December 18, 2014

Decided: December 22, 2014

Before SHEDD, WYNN, and THACKER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Thomas P. McNamara, Federal Public Defender, Eric J. Brignac, Assistant Federal Public Defender, Raleigh, North Carolina, for Appellant. Thomas G. Walker, United States Attorney, Jennifer P. May-Parker, Yvonne V. Watford-McKinney, Assistant United States Attorneys, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Bill Allen pled guilty, without a plea agreement, to two counts of arson within the special maritime and territorial jurisdiction of the United States, in violation of 18 U.S.C. §§ 7(3), 81 (2012). The district court sentenced Allen to concurrent terms of thirty months' imprisonment, the bottom of the advisory Sentencing Guidelines range. Allen timely appeals, arguing that the sentence is substantively unreasonable, because it is greater than necessary to satisfy the purposes of 18 U.S.C. § 3553(a) (2012).

We review a criminal sentence for reasonableness, using "a deferential abuse-of-discretion standard." Gall v. United States, 552 U.S. 38, 41 (2007). Because Allen asserts no procedural error, we consider whether the sentence is substantively reasonable, "tak[ing] into account the totality of the circumstances" and giving due deference to the district court's decision. Id. We presume that a sentence "within or below a properly calculated Guidelines range is [substantively] reasonable." United States v. Louthian, 756 F.3d 295, 306 (4th Cir.), cert. denied, 135 S. Ct. 421 (2014). Allen bears the burden to rebut this presumption "by showing that the sentence is unreasonable in light of the 18 U.S.C. § 3553(a) factors." Id.

Here, the district court reasonably determined that a sentence of thirty months, at the low end of the Guidelines range, was appropriate based on its individualized assessment of Allen's case in light of his arguments and the § 3553(a) factors. Under the totality of the circumstances, we conclude that the district court did not abuse its discretion in imposing the chosen sentence.

Accordingly, we affirm the district court's judgment. 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