UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-4806

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

EMANUAL SHORTEN, a/k/a Terez, a/k/a T-Man,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Columbia. Terry L. Wooten, Chief District Judge. (3:14-cr-00750-TLW-1)

Submitted: August 31, 2016 Decided: September 14, 2016

Before TRAXLER, DIAZ, and THACKER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Louis H. Lang, CALLISON TIGHE & ROBINSON, LLC, Columbia, South Carolina, for Appellant. James Hunter May, Assistant United States Attorney, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Emanual Shorten appeals the sentence imposed after he pled guilty to conspiracy to possess with intent to distribute and to distribute 280 grams or more of cocaine base and 5 kilograms or more of cocaine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A), 846 (2012). Counsel has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), stating that he has found no meritorious grounds for appeal but questioning whether the district court should have granted a variance based on Shorten's family support and the sentencing disparity between cocaine base and powder cocaine. Shorten was advised of his right to file a pro se supplemental brief, but he has not done so.

Having carefully reviewed the record, we conclude that the district court did not abuse its discretion in sentencing Shorten. See United States v. Martinovich, 810 F.3d 232, 242 (4th Cir. 2016) (stating standard of review). We discern no procedural sentencing error, see Gall v. United States, 552 U.S. 38, 51 (2007), and Shorten has failed to rebut the presumption that his within-Guidelines sentence is substantively reasonable, see United States v. Louthian, 756 F.3d 295, 306 (4th Cir. 2014).

In accordance with Anders, we have reviewed the entire record for any meritorious grounds for appeal and have found none. Accordingly, we affirm Shorten's conviction and sentence. This court requires that counsel inform Shorten, in writing, of his

right to petition the Supreme Court of the United States for further review. If Shorten requests that a petition be filed, but counsel believes that such a petition would be frivolous, counsel may move in this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on Shorten. 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