

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-4301

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TITO A. COLEMAN,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. James R. Spencer, Senior District Judge. (3:16-cr-00005-JRS-1)

Submitted: July 27, 2016

Decided: August 4, 2016

Before WYNN, DIAZ, and THACKER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Jeremy C. Kamens, Federal Public Defender, Frances H. Pratt, Nia Ayanna Vidal, Assistant Federal Public Defenders, Alexandria, Virginia, for Appellant. Dana J. Boente, United States Attorney, Juan D. Mejia, Special Assistant United States Attorney, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Tito A. Coleman appeals his eight-month sentence after pleading guilty to driving a vehicle with a suspended license, in violation of 18 U.S.C. § 13 (2012), assimilating Va. Code § 46.2-878. Finding no error, we affirm.

We review Coleman's sentence for both procedural and substantive reasonableness "under a deferential abuse-of-discretion standard." Gall v. United States, 552 U.S. 38, 41 (2007). We must ensure that the sentencing court committed no significant procedural error, such as failing to consider the applicable 18 U.S.C. § 3553(a) (2012) sentencing factors or not adequately explaining the sentence. Id. at 51. If there is no significant procedural error, we then consider the sentence's substantive reasonableness under "the totality of the circumstances, including the extent of any variance from the [Sentencing] Guidelines range." Id.

Coleman first argues that the magistrate judge procedurally erred by not sufficiently explaining the sentence. However, the sentencing transcript reveals that the magistrate judge thoroughly reviewed the § 3553(a) factors and considered the defense's arguments before pronouncing sentence. Coleman also claims that his sentence is substantively unreasonable, but the magistrate judge imposed a sentence within the applicable Guidelines range, and Coleman has not effectively rebutted the

presumption of reasonableness we afford a within-Guidelines sentence. See United States v. Louthian, 756 F.3d 295, 306 (4th Cir.), cert. denied, 135 S. Ct. 421 (2014).

Accordingly, we affirm the judgment of the district court. 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