

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 17-4447**

---

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MATTHEW JOSEPH KELLEY,

Defendant - Appellant.

---

Appeal from the United States District Court for the District of South Carolina, at  
Anderson. Timothy M. Cain, District Judge. (8:16-cr-00699-TMC-1)

---

Submitted: December 12, 2017

Decided: December 13, 2017

---

Before WILKINSON, KING, and WYNN, Circuit Judges.

---

Affirmed by unpublished per curiam opinion.

---

Benjamin T. Stepp, Assistant Federal Public Defender, Greenville, South Carolina, for  
Appellant. Maxwell B. Cauthen, III, Assistant United States Attorney, Greenville, South  
Carolina, for Appellee.

---

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Matthew Joseph Kelley pled guilty without a written plea agreement to possession of an unregistered firearm, in violation of 26 U.S.C. §§ 5841, 5861(d) (2012), and was sentenced to 46 months in prison. Kelley appeals. His attorney has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967), questioning whether the sentence is reasonable but stating that there are no meritorious issues for appeal. Kelley was advised of his right to file a pro se brief but has not filed such a brief. We affirm.

We first conclude that Kelley's guilty plea was knowing and voluntary. Kelley stated at the Fed. R. Crim. P. 11 hearing that he was not under the influence of drugs or alcohol, was 28 years old, had an eleventh-grade education, and understood the nature of the proceedings. He expressed complete satisfaction with his attorney's services. A factual basis for the plea was presented to the court, Kelley stated that the factual basis was accurate, and he admitted his guilt. Finally, the district court complied with the requirements of Rule 11.

With respect to sentencing, the court properly calculated Kelley's Guidelines range, considered the 18 U.S.C. § 3553(a) (2012) sentencing factors and the arguments of the parties, and provided a sufficiently individualized assessment based on the facts of the case. We hold that the within-Guidelines sentence is procedurally and substantively reasonable. *See Gall v. United States*, 552 U.S. 38, 51 (2007); *United States v. Carter*, 564 F.3d 325, 330 (4th Cir. 2009).

Pursuant to *Anders*, we have reviewed the entire record and have found no meritorious issues for appeal. Accordingly, we affirm Kelley's conviction and sentence.

This court requires that counsel inform Kelley, in writing, of the right to petition the Supreme Court of the United States for further review. If Kelley 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 Kelley. 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*