

**UNPUBLISHED**

**UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

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**No. 18-4716**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

WILLIAM MICHAEL FOURES,

Defendant - Appellant.

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Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. N. Carlton Tilley, Jr., Senior District Judge. (1:17-cr-00458-NCT-1)

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Submitted: March 29, 2019

Decided: April 16, 2019

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Before THACKER and RICHARDSON, Circuit Judges, and SHEDD, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Louis C. Allen, Federal Public Defender, Kathleen A. Gleason, Assistant Federal Public Defender, OFFICE OF THE FEDERAL PUBLIC DEFENDER, Greensboro, North Carolina, for Appellant. Eric Lloyd Iverson, OFFICE OF THE UNITED STATES ATTORNEY, Greensboro, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

William Michael Foures appeals his 78-month sentence pursuant to his guilty plea to receipt of child pornography, in violation of 18 U.S.C. § 2252A(a)(2)(A), (b)(1) (2012). Foures' counsel has filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), stating that there are no meritorious issues for appeal, but questioning whether Foures' sentence is substantively reasonable. Foures has been notified of his right to file a pro se brief, but he has not done so. We affirm.

We review Foures' sentence for substantive reasonableness under a deferential abuse-of-discretion standard, considering "the totality of the circumstances, including the extent of any variance from the [Sentencing] Guidelines range." *Gall v. United States*, 552 U.S. 38, 41, 51 (2007). We presume that a sentence below a properly calculated Guidelines range is substantively reasonable, and a defendant can rebut this presumption only "by showing that the sentence is unreasonable when measured against the 18 U.S.C. § 3553(a) [(2012)] factors." *United States v. Louthian*, 756 F.3d 295, 306 (4th Cir. 2014).

Having carefully reviewed the record, we find no error in the district court's imposition of Foures' sentence. The district court properly calculated the advisory Sentencing Guidelines range and granted a downward variance, primarily in light of Foures' difficult background and mental health issues. Foures has not made the showing necessary to rebut the presumption of reasonableness we afford his below-Guidelines sentence.

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

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*