UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 21-4596

UNITED STATES OF AMERICA,

          Plaintiff - Appellee,

    v.

STEFON KADEEN BOATWRIGHT,

          Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Robert J. Conrad, Jr., District Judge. (3:20-cr-00197-RJC-DCK-1)

Submitted: June 23, 2022   Decided: June 27, 2022

Before WYNN and QUATTLEBAUM, Circuit Judges, and FLOYD, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

ON BRIEF: J. Edward Yeager, Jr., Cornelius, North Carolina, for Appellant. Amy Elizabeth Ray, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Asheville, North Carolina, for Appellee.

PER CURIAM:

Stefon Kadeen Boatwright pled guilty, pursuant to a written plea agreement, to possession of a firearm by a convicted felon, in violation of 18 U.S.C. 922(g)(1). The district court sentenced Boatwright to 37 months' imprisonment and 3 years of supervised release. His attorney has filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), stating that there are no meritorious grounds for appeal, but noting that we review sentences for reasonableness. Although informed of his right to file a pro se supplemental brief, Boatwright has not done so. The Government declined to file a brief and has not moved to enforce the appellate waiver in Boatwright's plea agreement.[*] We affirm.

We review a sentence "under a deferential abuse-of-discretion standard." *Gall v. United States*, 552 U.S. 38, 41 (2007). Under this standard, a sentence is reviewed for both procedural and substantive reasonableness. *Id*. at 51. In determining procedural reasonableness, we consider, among other things, whether the district court properly calculated the defendant's Sentencing Guidelines range. *Id*. If a sentence is free of "significant procedural error," then we review it for substantive reasonableness, "tak[ing] into account the totality of the circumstances." *Id*. A sentence is presumptively substantively reasonable if it "is within or below a properly calculated Guidelines range," and this "presumption can only be rebutted by showing that the sentence is unreasonable

---

[*] Because the Government has not moved to enforce the appellate waiver, we conduct a full review pursuant to *Anders*. *See United States v. Poindexter*, 492 F.3d 263, 271 (4th Cir. 2007).

when measured against the 18 U.S.C. § 3553(a) factors." *United States v. Louthian*, 756 F.3d 295, 306 (4th Cir. 2014).

Our review of the record reflects that Boatwright's sentence is procedurally reasonable. At sentencing, the district court correctly calculated Boatwright's advisory Sentencing Guidelines range, to which Boatwright did not object. The district court afforded the parties an opportunity to argue for an appropriate sentence—which they agreed was 37 months—and Boatwright an opportunity to allocute. The district court then weighed the 18 U.S.C. § 3553(a) factors it deemed most relevant and provided a reasoned explanation for the chosen sentence. We further conclude that Boatwright fails to rebut the presumption of substantive reasonableness that we afford his within-Guidelines sentence. Thus, Boatwright's sentence is substantively reasonable.

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