

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-4661

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

KENNETH ROOSEVELT DEWALT,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Durham. N. Carlton Tilley, Jr., Chief District Judge. (CR-00-81)

Submitted: December 21, 2005

Decided: January 18, 2006

Before NIEMEYER, MICHAEL, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Louis C. Allen, III, Federal Public Defender, William S. Trivette, Assistant Federal Public Defender, Greensboro, North Carolina, for Appellant. Douglas Cannon, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Kenneth Roosevelt Dewalt appeals his sixteen-month sentence, imposed after the district court revoked his supervised release. Dewalt's counsel filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), asserting that there were no meritorious grounds for appeal, but raising the issue of whether the sentence imposed by the district court was reasonable. Although Dewalt was informed of his right to file a pro se supplemental brief, he did not do so.

Prior to United States v. Booker, 543 U.S. 220 (2005), we reviewed the district court's judgment revoking supervised release and imposing a term of imprisonment for abuse of discretion. See, e.g., United States v. Davis, 53 F.3d 638, 642-43 (4th Cir. 1995). However, Booker raised questions as to what standard of review is now appropriate – abuse of discretion or reasonableness. Though we have not yet resolved which standard of review is appropriate, we conclude Dewalt's sentence should be affirmed under either standard.

In accordance with Anders, we have reviewed the entire record in this case and have found no meritorious issues for appeal. This court requires that counsel inform his client, in writing, of his right to petition the Supreme Court of the United States for further review. If the client requests that a petition be filed, but counsel believes that such a petition would be

frivolous, then counsel may move this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on the client. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED