

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-4710

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

TODD HAMILTON WISHON,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Durham. William L. Osteen, District Judge. (CR-04-418)

Submitted: May 10, 2006

Decided: May 23, 2006

Before WILLIAMS, SHEDD, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Michael A. Grace, GRACE HOLTON TISDALE & CLIFTON, P.A., Winston-Salem, North Carolina, for Appellant. Anna Mills Wagoner, United States Attorney, Robert A.J. Lang, Assistant United States Attorney, Winston-Salem, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Todd Hamilton Wishon pled guilty to being a felon in possession of a firearm in commerce under 18 U.S.C. § 922(g) (2000) and was sentenced to 100 months of imprisonment. On appeal he raises two issues, whether: (1) the district court erred by holding him accountable at sentencing for approximately 670 grams of methamphetamine and (2) his sentence was unreasonable. For the reasons that follow, we affirm.

First, we conclude that the district court did not clearly err in its factual determination that Wishon should be held accountable for approximately 670 grams of methamphetamine at sentencing. United States v. Daughtrey, 874 F.2d 213, 217 (4th Cir. 1989) (giving review standard). Second, we conclude that Wishon's sentence was reasonable. United States v. Booker, 543 U.S. 220, 261 (2005) (stating review standard); United States v. Hughes, 401 F.3d 540, 546-47 (4th Cir. 2005) (same). Indeed, Wishon's 100-month sentence was below his properly calculated Sentencing Guidelines range.

Accordingly, we affirm. 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