

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-4960

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

DONNIE WAYNE BOWMAN,

Defendant - Appellant.

Appeal from the United States District Court for the Southern District of West Virginia, at Charleston. John T. Copenhaver, Jr., District Judge. (CR-04-38)

Submitted: April 19, 2006

Decided: April 28, 2006

Before WILLIAMS and DUNCAN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Mary Lou Newberger, Federal Public Defender, Jonathan D. Byrne, Appellant Counsel, David R. Bungard, Assistant Federal Public Defender, Charleston, West Virginia, for Appellant. Charles T. Miller, Acting United States Attorney, Joshua C. Hanks, Assistant United States Attorney, Charleston, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Donnie Wayne Bowman appeals the sixty-three-month sentence imposed after a jury found him guilty of being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1) (2000), and possessing a stolen firearm, in violation of 18 U.S.C. § 922(j) (2000). Bowman challenges the reasonableness of his sentence, contending that it is longer than necessary to comply with the factors set forth in 18 U.S.C.A. § 3553(a)(2) (West 2000 & Supp. 2005). We find, however, that the district court sentenced Bowman only after appropriately considering and examining the sentencing guidelines and the § 3553(a) factors, as instructed by United States v. Booker, 543 U.S. 220 (2005). The court sentenced Bowman within the applicable advisory guideline range and well below the ten-year statutory maximum set forth in 18 U.S.C. § 924(a)(2) (2000). We cannot conclude that, under these circumstances, Bowman's sentence is unreasonable. See United States v. Green, 436 F.3d 449, 457 (4th Cir. 2006) (finding that sentence imposed within properly calculated advisory guidelines range is presumptively reasonable); see also United States v. Johnson, ___ F.3d ___, ___, 2006 WL 893594, at *6 (4th Cir. Apr. 7, 2006) (No. 05-4378) (finding that district court's "detailed inquiry into the various circumstances bearing upon [defendant's] sentence" satisfied court's obligation to consider § 3553(a) factors).

Accordingly, we affirm the sentence. 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