

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-4424

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

HENRY HILL, SR.,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Robert E. Payne, District Judge. (3:03-cr-00059-REP)

Submitted: October 4, 2006

Decided: October 26, 2006

Before MICHAEL, TRAXLER, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Charles A. Gavin, BLACKBURN, CONTE, SCHILLING & CLICK, P.C., Richmond, Virginia, for Appellant. Chuck Rosenberg, United States Attorney, Sara E. Flannery, Assistant United States Attorney, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Henry Hill, Sr., appeals the 188-month sentence imposed by the district court on resentencing in light of United States v. Booker, 543 U.S. 220 (2005). We affirm.

Counsel contends that Hill's sentence is unreasonable. In resentencing Hill post-Booker, the district court considered the advisory sentencing guidelines range and the factors set forth in 18 U.S.C.A. § 3553(a) (West 2000 & Supp. 2006). See United States v. Moreland, 437 F.3d 424, 432 (4th Cir.), cert. denied, 126 S. Ct. 2054 (2006). Although Hill asserts that the district court did not recite facts to support each § 3553(a) factor, the court need not "robotically tick through § 3553(a)'s every subsection" or "explicitly discuss every § 3553(a) factor on the record." United States v. Johnson, 445 F.3d 339, 345 (4th Cir. 2006). "This is particularly the case when the district court imposes a sentence within the applicable Guidelines range." Id. (citation omitted).

Here, the sentence imposed by the district court is within the advisory guidelines range and below the twenty-year statutory maximum set forth in 21 U.S.C.A. § 841(b)(1)(C) (West Supp. 2006). "[A] sentence within the proper advisory Guidelines range is presumptively reasonable." Johnson, 445 F.3d at 341. We have carefully considered Hill's arguments on appeal and conclude

that he has failed to rebut the presumption of reasonableness. Thus, we find the sentence reasonable.

Accordingly, we affirm Hill's 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