

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-4500

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

FELIPE MARTINEZ-GARCIA, a/k/a Daniel
Espalla-Pedrasa,

Defendant - Appellant.

Appeal from the United States District Court for the Western
District of North Carolina, at Asheville. Lacy H. Thornburg,
District Judge. (1:04-cr-00118-2)

Submitted: December 14, 2006

Decided: December 19, 2006

Before MICHAEL, GREGORY, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Reid G. Brown, Waynesville, North Carolina, for Appellant. Jill
Westmoreland Rose, OFFICE OF THE UNITED STATES ATTORNEY, Asheville,
North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Felipe Martinez-Garcia pled guilty to one count of conspiracy to possess with intent to distribute methamphetamines, cocaine, and marijuana, in violation of 21 U.S.C. §§ 841; 846 (2000). Martinez-Garcia was sentenced to 188 months' imprisonment. We affirm the conviction and sentence.

Counsel filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), asserting there were no meritorious grounds for appeal, but raising the issue of whether the sentence imposed by the district court was reasonable. Although Martinez-Garcia was informed of his right to file a pro se supplemental brief, he did not do so.

Because the district court properly calculated and considered the advisory guideline range and weighed the relevant 18 U.S.C. § 3553(a) (2000) factors, we conclude Martinez-Garcia's 188-month sentence, which was below the statutory minimum and at the bottom of the advisory guideline range, is reasonable. See United States v. Hughes, 401 F.3d 540, 546-47 (4th Cir. 2005); see also United States v. Green, 436 F.3d 449, 457 (4th Cir.) (stating a sentence imposed within a properly calculated guideline range is presumptively reasonable), cert. denied, 126 S. Ct. 2309 (2006).

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 in the decisional process.

AFFIRMED