UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-4880

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TAMMY RENEE SMITH ARROWOOD,

Defendant - Appellant,

Appeal from the United States District Court for the Western District of North Carolina, at Asheville. Lacy H. Thornburg, District Judge. (1:05-cr-220-2)

Submitted: October 14, 2008 Decided: October 16, 2008

Before KING, GREGORY, and AGEE, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Brian Oglesby, Ellenboro, North Carolina, for Appellant. Kenneth Michel Smith, OFFICE OF THE UNITED STATES ATTORNEY, Charlotte, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Tammy Renee Smith Arrowood pled guilty to conspiracy to defraud the United States and conspiracy to manufacture and to possess with intent to distribute methamphetamine, and was sentenced to twenty-four months in prison. She now appeals. Her attorney has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), alleging that Arrowood's sentence is unreasonable, but concluding that there are no meritorious issues for appeal. Although informed of her right to do so, Arrowood has not filed a pro se supplemental brief. Finding no reversible error, we affirm.

We review a sentence for reasonableness under an abuse of discretion standard. United States v. Pauley, 511 F.3d 468, 473-74 (4th Cir. 2007). In making this decision, we first examine the sentence "for significant procedural errors." Id. There were no such errors in this case; we note that the sentencing court correctly calculated the advisory guideline range, heard from the parties regarding an appropriate sentence, considered the factors set forth in 18 U.S.C.A. § 3553(a) (West 2000 & Supp. 2008), and articulated compelling reasons for imposing a variance sentence. Pauley, 511 F.3d at 473. Specifically, the court considered Arrowood's mental and emotional health and her meager work record and determined that

the situation warranted a minor downward variation from the advisory guideline range of 27 to 33 months' imprisonment.

Our review also requires us to consider the substance of the sentence, taking into account the "totality of the circumstances." Id. Arrowood contends that the court erred by imposing an active prison sentence, particularly given the court's acknowledgement of her physical and emotional problems. Given the seriousness of the charges to which Arrowood pled guilty, as well as the other circumstances of this case, we find that Arrowood's sentence is substantively reasonable and that the district court did not abuse its discretion.

We have examined the entire record in the case in accordance with the requirements of Anders, and we find no meritorious issues for appeal. Accordingly, we affirm Arrowood's convictions and sentence. This court requires that counsel inform his client, in writing, of her 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 in 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