

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-4961

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JOSEPH DOUGLAS WEBB, JR.,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Spartanburg. Henry F. Floyd, District Judge. (7:05-cr-00972)

Submitted: March 22, 2007

Decided: March 28, 2007

Before WIDENER and WILKINSON, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

David W. Plowden, Assistant Federal Public Defender, Greenville, South Carolina, for Appellant. Elizabeth Jean Howard, OFFICE OF THE UNITED STATES ATTORNEY, Greenville, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Joseph Douglas Webb, Jr., pled guilty to being a felon in possession of a firearm. He was sentenced to thirty-seven months in prison. On appeal, Webb's attorney has filed an Anders* brief, stating that there are no meritorious issues for appeal, but questioning whether Webb's sentence was reasonable. Although Webb was informed of his right to file a pro se supplemental brief, he has not done so.

Before determining a sentence, the district court is required to calculate and consider the appropriate guideline range, as well as the factors set forth in 18 U.S.C. § 3553(a) (2000). United States v. Hughes, 401 F.3d 540, 546 (4th Cir. 2005). We will affirm a sentence if it is both reasonable and within the statutorily prescribed range. Id. at 546-47. Here, the district court calculated a guideline range of 37-46 months, to which Webb had no objection. The court then heard from counsel, Webb, and Webb's fiancée regarding Webb's success in school, his work history, his drug problems, and his family responsibilities. After stating that it had considered the guideline range and the relevant statutory sentencing factors, the district court imposed a sentence well below the statutory maximum and at the bottom of the guideline range. We find that the sentence was reasonable.

*Anders v. California, 386 U.S. 738 (1967).

In accordance with Anders, we have reviewed the entire record in this case and have found no meritorious issues for appeal. We therefore affirm Webb's conviction and sentence. 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 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