

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 07-4041**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

BRYANT KEITH HORTON,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Raymond A. Jackson, District Judge. (2:99-cr-00170)

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Submitted: May 25, 2007

Decided: June 26, 2007

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Before NIEMEYER, MICHAEL, and MOTZ, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Michael S. Nachmanoff, Acting Federal Public Defender, Gretchen L. Taylor, Assistant Federal Public Defender, Norfolk, Virginia, for Appellant. Darryl James Mitchell, Special Assistant United States Attorney, Norfolk, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Bryant Keith Horton appeals the district court's order revoking his supervised release and sentencing him to eighteen months of imprisonment. Counsel has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), stating that there are no meritorious issues for appeal but suggesting that the sentence is plainly unreasonable because it is longer than necessary to punish adequately Horton's violation of the conditions of his supervised release. Horton was advised of his right to file a pro se supplemental brief, but he has not done so. We affirm.

Counsel suggests that Horton's sentence is plainly unreasonable because the violations were technical in nature. We note that, while the sentence Horton received is four months above the advisory sentencing guideline range of eight to fourteen months, see U.S. Sentencing Guidelines Manual § 7B1.4(a) (2006), it is within the applicable statutory maximum sentence. Moreover, our review of the record leads us to conclude that the district court sufficiently considered the statutory factors and explained its reasons for imposing a sentence above the advisory guideline range. We therefore find that the sentence imposed upon revocation of supervised release is not plainly unreasonable. See United States v. Crudup, 461 F.3d 433 (4th Cir. 2006) (providing standard), cert. denied, 127 S. Ct. 1813 (2007).

In accordance with Anders, we have reviewed the entire record in this case and have found no meritorious issues for appeal. We therefore affirm the district court's order revoking Horton's supervised release and imposing an eighteen-month sentence. This court requires that counsel inform the client, in writing, of the 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