

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-4461

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TADEO PEDRO REYES, a/k/a Pedro Reyes Tadeo, a/k/a Antonio Perez
Ramirez,

Defendant - Appellant.

Appeal from the United States District Court for the Middle
District of North Carolina, at Greensboro. William L. Osteen, Sr.,
Senior District Judge. (1:06-cr-00385-WLO)

Submitted: March 25, 2008

Decided: March 27, 2008

Before MOTZ, KING, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Louis C. Allen, III, Federal Public Defender, William S. Trivette,
Assistant Federal Public Defender, Greensboro, North Carolina, for
Appellant. Angela Hewlett Miller, OFFICE OF THE UNITED STATES
ATTORNEY, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Tadeo Pedro Reyes appeals the sentence imposed after he pled guilty to distribution of methamphetamine, possession of a firearm during a drug trafficking crime, and possession of a firearm by an illegal alien. Reyes' attorney has filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967). Reyes has not filed a pro se informal brief. The Government declined to file a brief. Finding no error, we affirm.

The only issue counsel raises is whether Reyes' sentence was reasonable. This court will affirm a sentence if it is "within the statutorily prescribed range and is reasonable." United States v. Moreland, 437 F.3d 424, 432 (4th Cir.), cert. denied, 547 U.S. 1142 (2006). A sentence that falls within the properly calculated advisory Guidelines range is entitled to a presumption of reasonableness. United States v. Johnson, 445 F.3d 339, 341 (4th Cir. 2006); see Rita v. United States, 127 S. Ct. 2456, 2462-69 (2007) (upholding application of presumption of reasonableness to within-guidelines sentence).

Reyes argues that the district court imposed a greater sentence than was necessary because he has lived in the United States for seventeen years, he has a family who needs his support, and faces certain deportation because he is without legal status. Because Reyes was sentenced within the properly calculated Guidelines range, his sentence is presumptively reasonable. This

court reviews his sentence under a deferential abuse of discretion standard. See Gall v. United States, 128 S. Ct. 586, 597 (2007). After reviewing the record, we conclude the district court did not abuse its discretion.

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