

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 08-4719**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TRACI LYNN MARTIN,

Defendant - Appellant.

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Appeal from the United States District Court for the District of South Carolina, at Anderson. William B. Traxler, Jr., Circuit Judge, sitting by designation. (6:08-cr-00022-GRA-1)

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Submitted: March 12, 2009

Decided: April 10, 2009

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Before MOTZ and SHEDD, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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David W. Plowden, Assistant Federal Public Defender, Greenville, South Carolina, for Appellant. James D. Galyean, Assistant United States Attorney, Greenville, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Traci Lynn Martin pleaded guilty to two counts of unlawful possession of stolen mail, in violation of 18 U.S.C. § 1708 (2006). Martin was sentenced to sixty-three months of imprisonment. Martin's attorney has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), raising one issue but stating that there are no meritorious issues for appeal. Martin has filed a pro se brief raising an additional issue. We affirm.

In the Anders brief, counsel questions whether the district court committed plain error in sentencing Martin. See Fed. R. Crim. P. 52(b); United States v. Olano, 507 U.S. 725, 731-32 (1993). A sentence is reviewed for reasonableness, applying an abuse of discretion standard. Gall v. United States, 128 S. Ct. 586, 597 (2007); see also United States v. Go, 517 F.3d 216, 218 (4th Cir. 2008). The appellate court must first determine whether the district court committed any "significant procedural error," Gall, 128 S. Ct. at 597, and then consider the substantive reasonableness of the sentence, applying a presumption of reasonableness to a sentence within the guidelines range. Go, 517 F.3d at 218; see also Gall, 128 S. Ct. at 597; Rita v. United States, 551 U.S. 338, \_\_\_, 127 S. Ct. 2456, 2462-69 (2007) (upholding presumption of reasonableness for within-guidelines sentence).

We have thoroughly reviewed the record and find that the district court committed no procedural error in calculating the sentence. Furthermore, we find that the district court's within-guidelines sentence was reasonable. Although Martin claims in her pro se brief that the district court should have considered her history of drug abuse and mental illness in pronouncing the sentence, our review of the record reveals that the district court did consider these issues in sentencing Martin.

In accordance with Anders, we have reviewed the record and have found no meritorious issues for appeal. We therefore affirm the district court's judgment. This court requires that counsel inform Martin, in writing, of the right to petition the Supreme Court of the United States for further review. If Martin 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 Martin. 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