

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 08-5167**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CARLTON DEVON MILLS,

Defendant - Appellant.

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Appeal from the United States District Court for the District of South Carolina, at Florence. Terry L. Wooten, District Judge. (4:05-cr-00884-TLW-1)

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Submitted: April 28, 2009

Decided: June 4, 2009

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Before NIEMEYER, DUNCAN, and AGEE, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Michael A. Meetze, Assistant Federal Public Defender, Florence, South Carolina, for Appellant. William E. Day, II, Assistant United States Attorney, Florence, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Carlton Devon Mills appeals the district court's judgment revoking his supervised release and imposing a sentence of ten months of imprisonment, followed by twenty-five months of supervised release. His attorney has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), raising two issues but stating that there are no meritorious issues for appeal. Mills was informed of his right to file a pro se brief, but he has not done so. We affirm.

In the Anders brief, counsel first questions whether the district court abused its discretion in finding that Mills had violated the terms of his supervised release. This court reviews the district court's revocation of supervised release for abuse of discretion. See United States v. Pregent, 190 F.3d 279, 282 (4th Cir. 1999). The district court need only find a violation of a term of supervised release by a preponderance of the evidence. 18 U.S.C.A. § 3583(e)(3) (West Supp. 2008); see United States v. Armstrong, 187 F.3d 392, 394 (4th Cir. 1999). We have reviewed the record and conclude that the district court did not abuse its discretion in determining by a preponderance of the evidence that Mills violated the terms of his supervised release.

Counsel next questions whether the sentence imposed by the district court is reasonable. We will affirm a sentence

imposed after revocation of supervised release if it is within the prescribed statutory range and not plainly unreasonable. United States v. Crudup, 461 F.3d 433, 437-40 (4th Cir. 2006). We have reviewed the record and conclude that the sentence is procedurally and substantively reasonable.

We have examined the entire record in this case in accordance with the requirements of Anders and have found no meritorious issues for appeal. We therefore affirm the judgment of the district court. This court requires that counsel inform Mills, in writing, of the right to petition the Supreme Court of the United States for further review. If Mills 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 Mills. 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