

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 09-4590**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ADAM JEROME BIRT,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Newport News. Rebecca Beach Smith, District Judge. (4:04-cr-00012-RBS-TEM-1)

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Submitted: December 11, 2009

Decided: January 4, 2010

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

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Affirmed by unpublished per curiam opinion.

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Michael S. Nachmanoff, Federal Public Defender, Larry M. Dash, Frances H. Pratt, Assistant Federal Public Defenders, Caroline S. Platt, Research and Writing Attorney, Norfolk, Virginia, for Appellant. Robert Edward Bradenham, II, Assistant United States Attorney, Newport News, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Adam Jerome Birt appeals the district court's judgment revoking his supervised release and sentencing him to twenty-four months of imprisonment, the statutory maximum sentence. Counsel has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), asserting that there are no meritorious issues for appeal but suggesting that the sentence was plainly unreasonable because it was greater than necessary to achieve the purposes of sentencing and the district court failed to explain adequately its chosen sentence. Birt filed a pro se supplemental brief on the same grounds. We affirm.

Birt received the statutory maximum sentence, which is the top of the advisory sentencing guidelines range. 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 the twenty-four-month sentence. See Gall v. United States, 552 U.S. 38, 51 (2007); United States v. Carter, 564 F.3d 325, 330 (4th Cir. 2009). 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, 439-40 (4th Cir. 2006) (providing standard); see also United States v. Finley, 531 F.3d 288, 294 (4th Cir. 2008) ("In applying the 'plainly unreasonable' standard, we first determine, using the

instructions given in Gall, whether a sentence is 'unreasonable.'").

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 judgment. This court requires that counsel inform Birt, in writing, of the right to petition the Supreme Court of the United States for further review. If Birt 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 Birt. 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