

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 10-4988**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LYSANDORE MOYE,

Defendant - Appellant.

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Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. James A. Beaty, Jr., Chief District Judge. (1:09-cr-00366-JAB-2)

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Submitted: April 28, 2011

Decided: May 2, 2011

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Before DAVIS, KEENAN, and WYNN, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Johnathan Leonard, LEONARD LAW FIRM, Winston-Salem, North Carolina, for Appellant. Michael Francis Joseph, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Lysandore Moye pleaded guilty to theft of firearms from a federally licensed firearms dealer, in violation of 18 U.S.C. §§ 922(u), 924(m) (2006), and two counts of felon in possession of firearms, in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(2) (2006). Counsel for Moye filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967), certifying that there are no meritorious grounds for appeal, but questioning whether the district court fashioned a reasonable sentence in light of the firearm enhancements for both the number of firearms involved and for trafficking of the firearms.\* The Government elected not to file a brief. Finding no reversible error, we affirm.

A review of the record reveals no error in sentencing. When determining a sentence, the district court must calculate the appropriate advisory Sentencing Guidelines range and consider it in conjunction with the factors set forth in 18 U.S.C. § 3553(a) (2006). Gall v. United States, 552 U.S. 38, 49-50 (2007). Appellate review of a district court's imposition of a sentence, "whether inside, just outside, or significantly outside the Guidelines range," is for abuse of discretion. Id. at 41. Sentences within the applicable Guidelines range may be

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\* Moye did not object to the sentencing enhancements.

presumed by the appellate court to be reasonable. United States v. Pauley, 511 F.3d 468, 473 (4th Cir. 2007).

The district court followed the necessary procedural steps in sentencing Moye, appropriately treating the Sentencing Guidelines as advisory, properly calculating and considering the applicable Guidelines range, and weighing the relevant § 3553(a) factors. See U.S. Sentencing Guidelines Manual, §§ 2k2.1(b)(1)(C), (b)(5), cmt. n.13(D) (2009). Moye's sentence is within the properly calculated Guidelines range and may be presumed reasonable by this court. Pauley, 511 F.3d at 473. We conclude that the district court did not abuse its discretion in imposing the chosen sentence.

In accordance with Anders, we have reviewed the 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 Moye, in writing, of the right to petition the Supreme Court of the United States for further review. If Moye 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 Moye.

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