UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-5124

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

STACEY LAMONTE BUTLER,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. N. Carlton Tilley, Jr., Senior District Judge. (1:09-cr-00349-NCT-1)

Submitted: May 26, 2011 Decided: May 31, 2011

Before KING, SHEDD, and DIAZ, 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Affirmed by unpublished per curiam opinion.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. Ripley Rand, United States Attorney, Michael F. Joseph, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Stacey Lamonte Butler pled guilty to being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1) (2006). The district court declined to sentence Butler below his advisory Sentencing Guidelines range and imposed a seventy-month sentence, the bottom of his properly calculated advisory sentencing range. Butler alleges on appeal that his sentence was greater than necessary and therefore unreasonable. For the reasons that follow, we affirm.

After United States v. Booker, 543 U.S. 220 (2005), we review a sentence for reasonableness using a deferential abuse-of-discretion standard. Gall v. United States, 552 U.S. 38, 49 (2007). We apply a presumption of reasonableness on appeal to a within-Guidelines sentence. Rita v. United States, 551 U.S. 338, 347 (2007); United States v. Allen, 491 F.3d 178, 193 (4th Cir. 2007). A properly calculated sentence is entitled to a presumption of reasonableness; a defendant may rebut the presumption only by demonstrating that the sentence is unreasonable when measured against the 18 U.S.C.A. § 3553(a) (West 2000 & Supp. 2010) factors. United States v. Montes-Pineda, 445 F.3d 375, 379 (4th Cir. 2006). Because a sentence imposed within a properly calculated Guidelines range enjoys a presumption of reasonableness on appeal, United States v. Go, 517 F.3d 216, 218 (4th Cir. 2008), an extensive explanation is

not required as long as the appellate court is satisfied that the district court has considered the parties' arguments and has a reasoned basis for exercising its own legal decisionmaking authority. United States v. Engle, 592 F.3d 495, 500 (4th Cir.), cert. denied, __ U.S. __, 131 S. Ct. 165 (2010).

We find Butler's sentence was reasonable. The court correctly calculated Butler's advisory sentencing range, reviewed some of the 18 U.S.C.A. § 3553(a) factors, and sentenced him within that range. The court adequately explained why it declined to impose a below-Guidelines range sentence and provided a rationale for its sentence. Engle, 592 F.3d at 500; United States v. Carter, 564 F.3d 325, 330 (4th Cir. 2009). Accordingly, we affirm Butler's sentence. 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