

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-4596

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RUBEN GARCIA-ROSARIO,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Robert J. Conrad, Jr., Chief District Judge. (3:09-cr-00205-RJC-1)

Submitted: February 21, 2012

Decided: February 23, 2012

Before DAVIS, KEENAN, and WYNN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Eric A. Bach, Charlotte, North Carolina, for Appellant. Amy Elizabeth Ray, Assistant United States Attorney, Asheville, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Ruben Garcia-Rosario appeals his 240-month sentence for attempted kidnapping of a minor, in violation of 18 U.S.C. §§ 1201(a)(1), (d), and (g) (2006). Garcia-Rosario's counsel has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), in which he states that he has divined no meritorious grounds for appeal but requesting that we review Garcia-Rosario's guilty plea and sentence for error. Having reviewed the record, we affirm the judgment of the district court.

Because Garcia-Rosario did not challenge the validity of his guilty plea in the district court, we review it for plain error. United States v. Martinez, 277 F.3d 517, 524-27 (4th Cir. 2002). Our review of the record convinces us that Garcia-Rosario's guilty plea was valid.

As for his sentence, we review it for reasonableness, applying an abuse of discretion standard. Gall v. United States, 552 U.S. 38, 51 (2007). In this case, as all parties recognize, the district court simply sentenced Garcia-Rosario to the only term of imprisonment permissible by law: twenty years. See 18 U.S.C. § 1201(d) (twenty-year maximum for attempted kidnapping); 18 U.S.C. § 1201(g) (twenty-year minimum for a kidnapping offense involving a minor victim). It was eminently reasonable for the district court to follow its statutory obligation. Moreover, the twenty-year term of supervised

release was within the range prescribed by statute 18 U.S.C. § 3583(k) (2006).

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 Garcia-Rosario, in writing, of the right to petition the Supreme Court of the United States for further review. If Garcia-Rosario 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 Garcia-Rosario.

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