

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 11-5015**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TAHARA NICOLE GAINEY,

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. (1:11-cr-00088-JAB-1)

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Submitted: March 29, 2012

Decided: April 2, 2012

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Before WILKINSON, KING, and KEENAN, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Louis C. Allen III, Federal Public Defender, Gregory Davis, Senior Litigator, Winston-Salem, North Carolina, for Appellant. Randall Stuart Galyon, OFFICE OF THE UNITED STATES ATTORNEY, Greensboro, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Tahara Nicole Gainey pled guilty pursuant to a written plea agreement to distributing 53.2 grams of cocaine base "crack" and was sentenced to 216 months' imprisonment. On appeal, counsel filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), asserting there are no meritorious grounds for appeal, but raising the following issue: whether Gainey's sentence was unreasonable because the district court imposed a sentence greater than necessary to accomplish the goals of 18 U.S.C. § 3553(a) (2006).

After United States v. Booker, 543 U.S. 220 (2005), we review a sentence for reasonableness, whether inside or outside the advisory Sentencing Guidelines range, applying a deferential abuse-of-discretion standard. Gall v. United States, 552 U.S. 38, 49 (2007). We first review a sentence for significant procedural error and then evaluate the sentence for substantive error. Id. at 51; United States v. Carter, 564 F.3d 325, 328 (4th Cir. 2009). We find no abuse of discretion in Gainey's sentence, which was imposed within a properly calculated advisory Sentencing Guidelines range. United States v. Allen, 491 F.3d 178, 193 (4th Cir. 2007) ("A sentence within the proper Sentencing Guidelines range is presumptively reasonable.") (citation omitted); see Rita v. United States, 551 U.S. 338, 347 (2007).

In accordance with Anders, we have reviewed the record in this case and have found no meritorious issues for appeal. We therefore affirm Gainey's conviction and sentence. This court requires that counsel inform Gainey, in writing, of the right to petition the Supreme Court of the United States for further review. If Gainey 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 Gainey.

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