

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-4256

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOHNATHAN KAREEM PARRISH,

Defendant - Appellant.

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-00194-JAB-1)

Submitted: September 18, 2012

Decided: October 2, 2012

Before GREGORY, SHEDD, and DAVIS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Louis C. Allen, III, Federal Public Defender, Mireille P. Clough, Assistant Federal Public Defender, Winston-Salem, North Carolina, for Appellant. Michael A. DeFranco, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Johnathan Parrish pled guilty pursuant to a plea agreement to one count of being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1) (2006). The district court sentenced him to 46 months of imprisonment. Parrish now appeals. In accordance with Anders v. California, 386 U.S. 738 (1967), Parrish's attorney has filed a brief certifying that there are no meritorious issues for appeal but questioning the substantive reasonableness of Parrish's sentence. Parrish received notice of his right to file a supplemental pro se brief, but has not done so. Finding no error, we affirm.

We review Parrish's sentence for reasonableness, applying a "deferential abuse-of-discretion standard." Gall v. United States, 552 U.S. 38, 52 (2007). We begin by reviewing the sentence for significant procedural error, including improperly calculating the Guidelines range, failing to consider sentencing factors under 18 U.S.C. § 3553(a) (2006), sentencing based on clearly erroneous facts, or failing to adequately explain the sentence imposed. Id. at 51. Only if we find a sentence procedurally reasonable can we consider substantive reasonableness. United States v. Carter, 564 F.3d 325, 328 (4th Cir. 2009). Here, Parrish's within-Guidelines sentence is presumed reasonable, United States v. Powell, 650 F.3d 388, 395

(4th Cir.), cert. denied, 132 S. Ct. 350 (2011), and we find no procedural or substantive error in its imposition.

In accordance with Anders, we have reviewed the record in this case and have found no meritorious issues for appeal. Therefore, we affirm Parrish's conviction and sentence. This court requires counsel to inform Parrish, in writing, of his right to petition the Supreme Court of the United States for further review. If Parrish requests that a petition be filed but counsel believes such a petition would be frivolous, counsel may move in this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on Parrish. 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 in the decisional process.

AFFIRMED