UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-4498

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MICHAEL THORNSBURY,

Defendant - Appellant.

Appeal from the United States District Court for the Southern District of West Virginia, at Charleston. Thomas E. Johnston, District Judge. (2:13-cr-00239-1)

Submitted: February 24, 2015 Decided: March 19, 2015

Before MOTZ, SHEDD, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

John H. Tinney, Jr., TINNEY LAW FIRM, PLLC, Charleston, West Virginia, for Appellant. R. Booth Goodwin II, United States Attorney, Steven R. Ruby, Assistant United States Attorney, Charleston, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Michael Thornsbury pled guilty, pursuant to a plea agreement, to conspiracy against civil rights, in violation of 18 U.S.C. § 241 (2012). Prior to sentencing, Thornsbury objected to the description of the relevant conduct in the presentence report (PSR) and to the application of the four-level enhancement for his role as an organizer or leader of the criminal activity. See U.S. Sentencing Guidelines Manual § 3B1.1(a) (2013). At sentencing, however, Thornsbury unequivocally stated that he had no objections to the PSR. The district court sentenced Thornsbury to 50 months' imprisonment, an upward variance from the advisory Sentencing Guidelines range. On appeal, Thornsbury attempts to resurrect the arguments he abandoned in the district court. We affirm.

"[W]aiver is the intentional relinquishment or abandonment of a known right." United States v. Olano, 507 U.S. 725, 733 (1993) (internal quotation marks omitted). "A party who identifies an issue, and then explicitly withdraws it, has waived the issue," and the waived issue "is not reviewable on appeal, even for plain error." United States v. Robinson, 744 F.3d 293, 298 (4th Cir.) (internal quotation marks omitted), cert. denied, 135 S. Ct. 225 (2014).

We conclude that, because Thornsbury abandoned his objections to the PSR, he has waived appellate review of his

challenge to the relevant conduct determination and the propriety of the four-level enhancement for his leadership role. Accordingly, we affirm the district court's judgment. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED