UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-4955

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

GERALD LYN SYDNOR, JR., a/k/a Gerald Lyn Sydnor, II,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. William L. Osteen, Jr., Chief District Judge. (1:14-cr-00165-WO-1)

Submitted: July 21, 2015 Decided: July 23, 2015

Before WILKINSON and MOTZ, Circuit Judges, and DAVIS, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Stephen F. Wallace, WALLACE LAW FIRM, High Point, North Carolina, for Appellant. JoAnna Gibson McFadden, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Gerald Lyn Sydnor, Jr., appeals his sixty-six-month sentence imposed following his guilty plea to being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1) (2012). On appeal, Sydnor's counsel has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), certifying that there are no meritorious grounds for appeal but questioning whether Sydnor's sentence was reasonable. Sydnor was advised of his right to file a pro se supplemental brief but did not file one. Finding no meritorious grounds for appeal, we affirm.

We review the reasonableness of a sentence for abuse of discretion. United States v. Howard, 773 F.3d 519, 527-28 (4th Cir. 2014). We first review for procedural error, such as improper calculation of the Guidelines range, failure to consider the 18 U.S.C. § 3553(a) (2012) sentencing factors, selecting a sentence based on clearly erroneous facts, or failure to adequately explain the sentence. Howard, 773 F.3d at 528. Absent any procedural error, we review for substantive reasonableness under the totality of circumstances. Id. Sentences within a properly calculated Guidelines range are presumed reasonable, and this presumption "can only be rebutted by showing that the sentence is unreasonable when measured against the 18 U.S.C. § 3553(a) factors." United States v. Louthian, 756 F.3d 295, 306 (4th Cir.), cert. denied, 135 S. Ct. 421 (2014).

The record reveals that Sydnor's sentence was procedurally and substantively reasonable. The district court properly calculated the Guidelines range, provided the parties an opportunity to argue for an appropriate sentence, allowed Sydnor an opportunity to allocute, considered the § 3553(a) factors, made an individualized assessment in imposing a within-Guidelines sentence, and adequately explained its reasoning. Thus, we conclude that the court did not abuse its discretion in imposing sentence.

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