

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-4622

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MONTGOMERY JOSEPH ISNER, a/k/a Montgomery Joe Carter,

Defendant - Appellant.

Appeal from the United States District Court for the Northern District of West Virginia, at Martinsburg. Gina M. Groh, Chief District Judge. (3:15-cr-00012-GMG-RWT-1)

Submitted: March 29, 2016

Decided: March 31, 2016

Before GREGORY and DUNCAN, Circuit Judges, and DAVIS, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Nicholas J. Compton, Assistant Federal Public Defender, Martinsburg, West Virginia, for Appellant. Jarod James Douglas, Assistant United States Attorney, Wheeling, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Montgomery Joseph Isner pleaded guilty to one count of making a false statement on a loan application and was sentenced to 30 months of imprisonment. Counsel has filed an Anders v. California, 386 U.S. 738 (1967) brief, raising no meritorious issues, but questioning whether the sentence is substantively reasonable. The Government declined to file a brief. Isner did not file a pro se brief despite notice of his right to do so. Finding no error, we affirm.

This court reviews a sentence for reasonableness, applying an abuse of discretion standard. Gall v. United States, 552 U.S. 38, 51 (2007). We first review for significant procedural errors, including whether the district court failed to calculate or improperly calculated the Sentencing Guidelines range, treated the Guidelines as mandatory, failed to consider the 18 U.S.C. § 3553(a) (2012) factors, or failed to adequately explain its chosen sentence. Id. If we find the sentence procedurally reasonable, we then examine substantive reasonableness, considering the totality of the circumstances. Id. If the sentence is within the Guidelines range, this court applies a presumption of reasonableness. United States v. Mendoza-Mendoza, 597 F.3d 212, 217 (4th Cir. 2010).

Counsel questions whether Isner's sentence is greater than necessary to accomplish the goals of 18 U.S.C. § 3553(a). We

find that the sentence is substantively reasonable. The district court meaningfully considered defense counsel's suggestions for a sentence of time served, and explained its chosen sentence. Furthermore, Isner presents no evidence to rebut the presumption of reasonableness applicable to his within-Guidelines sentence.

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

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