UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-4765

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DWAYNE STONE,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Max O. Cogburn, Jr., District Judge. (3:12-cr-00305-MOC-1)

Submitted: August 31, 2016 Decided: September 29, 2016

Before NIEMEYER, KING, and WYNN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Richard L. Brown, Jr., LAW OFFICES OF RICHARD L. BROWN, JR., Monroe, North Carolina, for Appellant. Amy Elizabeth Ray, Assistant United States Attorney, Asheville, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Dwayne Stone appeals the district court's order revoking his supervised release and sentencing him to 15 months' imprisonment and 36 months of supervised release. Stone's counsel has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), stating that there are no meritorious issues for appeal but questioning whether the district court abused its discretion by imposing a term of imprisonment consecutive to Stone's state sentence and by ordering a 36-month term of supervised release. Stone was advised of his right to file a pro se supplemental brief, but he has not filed one. We affirm.

"A district court has broad discretion when imposing a sentence upon revocation of supervised release." United States v. Webb, 738 F.3d 638, 640 (4th Cir. 2013). We "will affirm a revocation sentence if it is within the statutory maximum and is not 'plainly unreasonable.'" Id. (quoting United States v. Crudup, 461 F.3d 433, 438 (4th Cir. 2006)). First, we discern no error in the district court's imposition of a consecutive sentence. See U.S. Sentencing Guidelines Manual § 7B1.3(f) (1997) (policy statement expressing preference for consecutive sentences). We also conclude that the district court was well within its statutory discretion to order a 36-month term of supervised release. See 18 U.S.C. § 3583(h) (2012).

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

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