

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-4285

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

NALONE STALLINGS, a/k/a Happy, a/k/a C, a/k/a
Cowboy,

Defendant - Appellant.

Appeal from the United States District Court for the Southern
District of West Virginia, at Charleston. John T. Copenhaver, Jr.,
District Judge. (CR-04-176)

Submitted: November 17, 2005

Decided: November 23, 2005

Before WILKINSON, LUTTIG, and WILLIAMS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Geoffrey I. Ekenasi, TWYMAN LAW OFFICES, Charleston, West Virginia,
for Appellant. Charles T. Miller, Acting United States Attorney,
W. Chad Noel, Jr., Assistant United States Attorney, Charleston,
West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Nalone Stallings appeals the sentence imposed upon his conviction for distributing cocaine in violation of 21 U.S.C. § 841(a)(1) (2000). Stallings asserts that the sentence imposed by the district court was unreasonable under this court's decision in United States v. Hughes, 401 F.3d 540, 547 (4th Cir. 2005), because the court applied as mandatory the sentencing range as determined by the U.S. Sentencing Guidelines Manual (2004) and did not adequately take into account the factors set forth in 18 U.S.C. § 3553(a) (2000).

Our review of the record makes clear that the district court considered the guideline range as advisory and considered the factors set out in § 3553(a) in determining Stallings' sentence. We conclude that his sentence is reasonable. We therefore affirm the district court's judgment. 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 the decisional process.

AFFIRMED