

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-5095

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

REGINALD TODD BRIGGS,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Durham. N. Carlton Tilley, Jr., Chief District Judge. (CR-01-291)

Submitted: May 26, 2006

Decided: June 9, 2006

Before WILKINSON, MOTZ, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Louis C. Allen, III, Federal Public Defender, William C. Ingram, Assistant Federal Public Defender, Greensboro, North Carolina, for Appellant. Angela Hewlett Miller, OFFICE OF THE UNITED STATES ATTORNEY, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Following a hearing at which Reginald Todd Briggs admitted to violating conditions of his supervised release, the district court revoked Briggs' release and imposed an eight-month sentence, to be followed by a supervised release term of forty-seven months. Briggs appeals. His attorney has filed a brief in accordance with Anders v. California, 367 U.S. 738 (1967), stating that there are no meritorious grounds for appeal but asserting that the sentence is erroneous. Briggs was advised of his right to file a pro se supplemental brief, but did not file such a brief. We affirm.

In accordance with United States v. Booker, 543 U.S. 220 (2005), a sentencing court should determine the sentencing range under the sentencing guidelines, consider the factors set forth at 18 U.S.C.A. § 3553(a) (West 2000 & Supp. 2005), and impose a reasonable sentence within the statutory maximum. See United States v. Hughes, 401 F.3d 540, 546-47 (4th Cir. 2005). "A sentence imposed within the properly calculated Guidelines range . . . is presumptively reasonable." United States v. Green, 436 F.3d 449, 455-56 (4th Cir. 2006) (internal quotation marks and citation omitted). Under these principles, we conclude that Briggs' sentence, which falls below the statutory maximum and within the properly calculated guideline range, is reasonable.

In accordance with Anders, we have reviewed the entire record for any meritorious issues and have found none. Accordingly, we affirm. This court requires counsel to inform his client, in writing, of his right to petition the Supreme Court of the United States for further review. If the client requests that a petition be filed, but counsel believes that such a petition would be frivolous, then counsel may move this court for leave to withdraw from representation. Counsel's motion must state that a copy of the motion was served on the client. We dispense with oral argument because the facts and legal contentions are adequately set forth in the materials before the court and argument would not aid the decisional process.

AFFIRMED