

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-4279

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

MATTHEW JAMES WHITE,

Defendant - Appellant.

Appeal from the United States District Court for the Southern District of West Virginia, at Huntington. Robert C. Chambers, District Judge. (3:05-cr-00124)

Submitted: August 30, 2006

Decided: September 27, 2006

Before NIEMEYER, WILLIAMS, and MICHAEL, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Mary Lou Newberger, Federal Public Defender, Jonathan D. Byrne, Appellate Counsel, Edward H. Weis, Assistant Federal Public Defender, Charleston, West Virginia, for Appellant. Charles T. Miller, United States Attorney, R. Gregory McVey, Assistant United States Attorney, Huntington, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Matthew James White pled guilty pursuant to a plea agreement to one count of possession with intent to distribute fifty grams or more of cocaine base, in violation of 21 U.S.C. § 841(a)(1) (2000). Because the district court found White had attempted an escape before his sentencing, White was sentenced to 292 months' imprisonment. White appeals the reasonableness of his sentence. We affirm.

White contends his sentence is unreasonable as the district court erroneously concluded he had obstructed justice. White's contention rests solely on his belief that his testimony should have been believed over that of the Government's witnesses. Credibility determinations, however, are within the sole province of the factfinder and will not be reassessed on appeal. See United States v. Saunders, 886 F.2d 56, 60 (4th Cir. 1989).

Likewise, White contends his sentence is unreasonable "because it is greater than necessary to promote respect for the law and provide just punishment for the offense." Because the district court properly calculated and considered the advisory guideline range and weighed the relevant 18 U.S.C. § 3553(a) (2000) factors, we conclude White's 292-month sentence, which was below the statutory maximum and at the bottom of the advisory guideline range, is reasonable. See United States v. Hughes, 401 F.3d 540, 546-47 (4th Cir. 2005); see also United States v. Green, 436 F.3d

449, 457 (4th Cir.) (stating a sentence imposed within a properly calculated guideline range is presumptively reasonable), cert. denied, 126 S. Ct. 2309 (2006).

Accordingly, we affirm White's sentence. 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