

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 06-4768**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

RONDALE BERNARD SMITH,

Defendant - Appellant.

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Appeal from the United States District Court for the Southern District of West Virginia, at Bluefield. David A. Faber, Chief District Judge. (1:03-cr-00225-ALL)

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Submitted: April 19, 2007

Decided: April 23, 2007

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Before NIEMEYER, KING, and GREGORY, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Mary Lou Newberger, Federal Public Defender, Jonathan D. Byrne, Appellate Counsel, David R. Bungard, Assistant Federal Public Defender, Charleston, West Virginia, for Appellant. Charles T. Miller, United States Attorney, John L. File, Assistant United States Attorney, Beckley, West Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Rondale Bernard Smith appeals his 57-month prison sentence, imposed pursuant to his guilty plea to distribution of cocaine base, in violation of 21 U.S.C. § 841(a)(1) (2000). Smith's only contention on appeal is that his sentence is unreasonable.

When imposing a sentence after United States v. Booker, 543 U.S. 220 (2005), district courts must calculate the appropriate Guidelines range, consider the range in conjunction with other relevant factors under 18 U.S.C.A. § 3553(a) (West 2000 & Supp. 2006), and impose a reasonable sentence. United States v. Moreland, 437 F.3d 424, 432-33 (4th Cir.), cert. denied, 126 S. Ct. 2054 (2006). A sentence imposed within a properly calculated Guidelines range is presumptively reasonable. United States v. Green, 436 F.3d 449, 457 (4th Cir.), cert. denied, 126 S. Ct. 2309 (2006). Thus, Smith's 57-month sentence is presumptively reasonable, because it is within both the properly calculated Guidelines range and the applicable statutory maximum. The record reflects that the district court complied with § 3553(a), and considered Smith's personal history and circumstances in determining his sentence. Having reviewed the record and the briefs of the parties on appeal, we find the sentence reasonable.

Therefore, we affirm Smith'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