

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-4705

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JASON KWANGCHUL SONG,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. Thomas D. Schroeder, District Judge. (1:08-cr-00349-TDS-1)

Submitted: January 24, 2011

Decided: April 28, 2011

Before NIEMEYER, MOTZ, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Louis C. Allen, Federal Public Defender, John A. Dusenbury, Jr., Assistant Federal Public Defender, Greensboro, North Carolina, for Appellant. Anand P. Ramaswamy, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jason Kwangchul Song pleaded guilty, pursuant to a plea agreement, to making a false statement in an application for a passport in violation of 18 U.S.C. § 1542 (2006). The district court sentenced Song to a within-Guidelines term of twelve months of imprisonment. The district court imposed Song's sentence to run consecutively to an undischarged state sentence Song is presently serving on unrelated convictions.

On appeal, Song's counsel filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), in which he states that he finds no meritorious issues for appeal, but questions whether it was unreasonable for the district court to sentence Song consecutively rather than concurrently to his undischarged state term of imprisonment. Song did not file a supplemental brief, nor did the Government file a responsive brief.

We conclude that Song is not entitled to relief. To the extent that he challenges the district court's decision to sentence him consecutively to his undischarged state sentence rather than concurrently, we review a district court's imposition of a sentence under a deferential abuse-of-discretion standard. See Gall v. United States, 552 U.S. 38, 51 (2007). The district court acted within its discretion and provided a sound explanation for its decision to reject Song's request for a concurrent term of imprisonment at sentencing. The record

does not support a finding that the district court's sentence was unreasonable in this regard.

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

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