UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 26-4027

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CHRISTOPHER WAYNE JOHNSON,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. Catherine C. Eagles, Chief District Judge. (1:25-cr-00200-CCE-1)

Submitted: August 27, 2026 Decided: September 1, 2026

Before KING, HEYTENS, and BENJAMIN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

ON BRIEF: Eric D. Placke, Federal Public Defender, Kathleen A. Gleason, First Assistant Federal Public Defender, OFFICE OF THE FEDERAL PUBLIC DEFENDER, Greensboro, North Carolina, for Appellant. Julie Carol Niemeier, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Christopher Wayne Johnson pleaded guilty, pursuant to a written plea agreement, to possessing a firearm as a felon, in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(8). The district court sentenced Johnson below his advisory Sentencing Guidelines range to 72 months' imprisonment. On appeal, Johnson's counsel has filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), stating that there are no meritorious grounds for appeal but questioning whether Johnson's sentence is reasonable. In particular, Johnson's counsel questions whether the district court correctly calculated Johnson's criminal history score under U.S. Sentencing Guidelines Manual § 4A1.2(a)(2) (2025). Johnson has not filed a pro se supplemental brief despite receiving an extension of time to do so. We affirm.

"We review the reasonableness of a sentence under 18 U.S.C. § 3553(a) using an abuse-of-discretion standard, regardless of 'whether [the sentence is] inside, just outside, or significantly outside the Guidelines range.'" *United States v. Nance*, 957 F.3d 204, 212 (4th Cir. 2020) (alteration in original) (quoting *Gall v. United States*, 552 U.S. 38, 41 (2007)). In performing that review, we first "evaluate procedural reasonableness, determining whether the district court committed any procedural error, such as improperly calculating the Guidelines range, failing to consider the § 3553(a) factors, or failing to adequately explain the chosen sentence." *Id.*

If "the district court has not committed procedural error," we then assess the substantive reasonableness of the sentence. *Id.* Our substantive reasonableness review "takes into account the totality of the circumstances to determine whether the sentencing

court abused its discretion in concluding that the sentence it chose satisfied the standards set forth in § 3553(a)." *Id.* (internal quotation marks omitted). "Any sentence that is within or below a properly calculated Guidelines range is presumptively [substantively] reasonable. Such a presumption can only be rebutted by showing that the sentence is unreasonable when measured against the . . . § 3553(a) factors." *United States v. Louthian*, 756 F.3d 295, 306 (4th Cir. 2014) (citation omitted).

We are satisfied that Johnson's sentence of imprisonment is procedurally reasonable. Insofar as Johnson's counsel questions the district court's calculation of Johnson's criminal history score, we have thoroughly reviewed the record and conclude that the district court did not err. We further conclude that the district court's calculation of Johnson's total offense level and his Guidelines range were correct and that the court adequately considered the § 3553(a) factors, provided a meaningful explanation for the sentence that it chose, and sufficiently addressed Johnson's mitigation arguments. *See Gall*, 552 U.S. at 49-51.

We are also satisfied that nothing in the record rebuts the presumption of substantive reasonableness afforded to Johnson's 72-month sentence of imprisonment. *See Louthian*, 756 F.3d at 306. Although the district court overruled Johnson's objection to the calculation of his criminal history score, the court varied downward and imposed a sentence near the bottom of the Guidelines range that Johnson's counsel argues would have applied if Johnson's objection had been sustained. The district court also thoroughly weighed the aggravating circumstances of Johnson's case—including his past drug dealing convictions and his possession of drugs and a firearm in this case—against the mitigating

factors that Johnson identified—including his steady employment and lack of criminal conduct for several years before this offense—and reasonably arrived at a 72-month sentence. *See United States v. Jeffery*, 631 F.3d 669, 679 (4th Cir. 2011) (recognizing that "district courts have extremely broad discretion when determining the weight to be given each of the § 3553(a) factors").

In accordance with *Anders*, we have reviewed the entire record in this case and have found no meritorious grounds for appeal. We thus affirm the district court's judgment. This court requires that counsel inform Johnson, in writing, of the right to petition the Supreme Court of the United States for further review. If Johnson 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 Johnson.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED