UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 26-4046

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LONNIE OWENS, JR.,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. William L. Osteen, Jr., District Judge. (1:25-cr-00150-WO-1)

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

Before KING, HEYTENS, and BENJAMIN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

ON BRIEF: Sophia L. Harvey, LIAO HARVEY PC, Winston-Salem, 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Unpublished opinions are not binding precedent in this circuit.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:

Lonnie Owens, Jr., pleaded guilty, without a 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 varied upward from Owens's advisory Sentencing Guidelines range of 57 to 71 months and sentenced Owens to 115 months' imprisonment.[*] On appeal, Owens'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 Owens's guilty plea is valid and whether Owens's sentence is reasonable. Owens has not filed a pro se supplemental brief. We affirm.

Counsel first questions whether Owens's guilty plea is valid. Because Owens did not attempt to withdraw his guilty plea, we review the district court's acceptance of Owens's guilty plea for plain error only. *United States v. Williams*, 811 F.3d 621, 622 (4th Cir. 2016). "Under the plain error standard, [we] will correct an unpreserved error if (1) an error was made; (2) the error is plain; (3) the error affects substantial rights; and (4) the error seriously affects the fairness, integrity, or public reputation of judicial proceedings." *United States v. Harris*, 890 F.3d 480, 491 (4th Cir. 2018) (internal quotation marks omitted). Our review of the record leads us to conclude that the district court conducted a thorough Fed. R. Crim. P. 11 colloquy and that Owens's guilty plea was knowing,

[*] The district court ordered the sentence to run consecutive to Owens's 24-month supervised release revocation sentence imposed the same day. Owens has not appealed the revocation judgment.

voluntary, and supported by an independent factual basis. Owens is thus not entitled to relief from his guilty plea.

Counsel next questions whether Owens's 115-month sentence of imprisonment is reasonable. "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).

In reviewing an upward-variant sentence for substantive reasonableness, "we consider whether the sentencing court acted reasonably both with respect to its decision to impose such a sentence and with respect to the extent of the divergence from the sentencing range." *United States v. Washington*, 743 F.3d 938, 944 (4th Cir. 2014) (internal quotation marks omitted). We afford "due deference to the district court's decision that the § 3553(a) factors, on a whole, justify the extent of the variance, and the fact that we might reasonably

have concluded that a different sentence was appropriate is insufficient to justify reversal of the district court." *United States v. Morace*, 594 F.3d 340, 346 (4th Cir. 2010) (internal quotation marks omitted).

We are satisfied that Owens's sentence of imprisonment is procedurally reasonable. The district court correctly calculated the Guidelines range, thoroughly considered the § 3553(a) factors, provided a meaningful explanation for the sentence that it chose, and engaged with Owens's mitigation arguments throughout the sentencing hearing. *See Gall*, 552 U.S. at 49-51.

We also conclude that Owens's upward-variant 115-month sentence is substantively reasonable. The district court properly found that Owens's offense conduct was serious, explaining that officers approached Owens to execute a warrant for his arrest and that Owens quickly entered a vehicle. When officers approached the vehicle and ordered Owens to show his hands, Owens instead reached for a firearm in his waistband. An officer grabbed Owens's hand, causing Owens to drop the firearm. The firearm was loaded with a 17-round magazine, which contained 15 rounds of ammunition, and was stolen. A search of the vehicle and another nearby vehicle with which Owens was associated revealed drugs and drug paraphernalia.

The district court appropriately emphasized that Owens had been previously convicted of violating § 922(g)(1) and was sentenced to 105 months' imprisonment and three years of supervised release. Owens was on supervised release for that offense when he committed the instant § 922(g)(1) offense. The court stressed Owens's extensive criminal history, including convictions for using firearms, and explained that Owens was

a criminal history category VI when sentenced for his prior § 922(g)(1) offense, but his criminal history category decreased to III for this offense because of the age of some prior convictions. The court found that criminal history category III underrepresented Owens's criminal history and that Owens's Guidelines range would be 92 to 115 months with a criminal history category VI. Although the court found that a sentence above that range could be justified, the court selected a sentence of 115 months given the 24-month revocation sentence it imposed and the mitigating arguments Owens presented.

On this record, we are satisfied that the district court did not abuse its discretion in choosing to vary upward and impose the 115-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 therefore affirm the district court's judgment. This court requires that counsel inform Owens, in writing, of the right to petition the Supreme Court of the United States for further review. If Owens 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 Owens.

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