UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-4885

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MICHAEL K. LEWIS,

Defendant – Appellant,

v.

TERRY MASSEY; CLARETTA TAYLOR; THURMAN SPEIGHT; JANET SPEIGHT; PHYLLIS HUBBARD; PAULA GORDON,

Movants.

Appeal from the United States District Court for the District of Maryland, at Greenbelt. Deborah K. Chasanow, Chief District Judge. (8:08-cr-00289-DKC-1)

Submitted: December 16, 2010 Decided: December 22, 2010

Before GREGORY and DUNCAN, Circuit Judges.*

Affirmed by unpublished per curiam opinion.

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* This opinion is filed by a quorum of the panel pursuant to 28 U.S.C. § 46(d).

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Booth M. Ripke, NATHANS & BIDDLE, LLP, Baltimore, Maryland, for Appellant. Rod J. Rosenstein, United States Attorney, Gina L. Simms, Jonathan Su, Assistant United States Attorneys, Greenbelt, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Michael K. Lewis appeals from his seventy-eight month sentence imposed pursuant to his guilty plea to wire and bankruptcy fraud. On appeal, Lewis asserts that his sentence was unreasonable based upon the district court's failure to fully consider and apply the statutory sentencing factors in 18 U.S.C. § 3553(a) (2006). Finding no error, we affirm.

A sentence is reviewed for abuse of discretion with the review encompassing both procedural soundness and substantive reasonableness. Gall v. United States, 552 U.S. 38, 51 (2007). The district court is not required to list every § 3553(a) factor in fashioning a sentence, see United States v. Montes-Pineda, 445 F.3d 375, 380 (4th Cir. 2006), and the record reflects that the court listened to Lewis's arguments and properly considered both the proffered evidence and the § 3553(a) factors.

It is undisputed that Lewis's sentence was within the properly calculated Sentencing Guidelines range. A sentence within the Guidelines range is presumptively reasonable. Applying this presumption of reasonableness to Lewis's sentence, see United States v. Go, 517 F.3d 216, 218 (4th Cir. 2008), we conclude that Lewis cannot rebut the presumption of reasonableness and that his sentence is reasonable. The district court provided detailed and appropriate reasoning for

its chosen sentence, and Lewis's disagreement with the factors that the court chose to rely upon does not support a conclusion that the court abused its discretion.

Accordingly, we affirm Lewis's sentence and deny his petition for immediate release. 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