

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 07-14614

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT
September 19, 2008
THOMAS K. KAHN
CLERK

D. C. Docket No. 03-00507 CR-RWS-1

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MICHAEL BERRY CODY,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Georgia

(September 19, 2008)

Before DUBINA, HULL and FAY, Circuit Judges.

PER CURIAM:

Appellant Michael Berry Cody (“Cody”) appeals his 123-month sentence stemming from his convictions of bank robbery, attempted bank robbery, and using and carrying a firearm during and in relation to a crime of violence, in violation of 18 U.S.C. § 2113(a), 18 U.S.C. § 2113(d), and 18 U.S.C. § 924(c), respectively.

The only issue Cody presents on appeal is whether his 123-month sentence is reasonable.

We review the district court’s imposition of a sentence under the abuse of discretion standard. *Gall v. United States*, ___ U.S. ___, 128 S. Ct. 586, 597 (2007).

After reviewing the record, reading the parties’ briefs, and having the benefit of oral argument, we conclude that Cody’s resentence¹ is both procedurally and substantively reasonable. The record demonstrates that the district court properly calculated Cody’s sentencing range, acknowledged that it considered the guidelines and 18 U.S.C. § 3553(a) factors, and sufficiently explained its reasoning for the resentence imposed.

¹This is the second time we have considered an appeal of this case. In the first appeal, a panel of this court, in an unpublished decision, affirmed Cody’s convictions, but vacated his sentences on Counts 1 and 2, in light of the Supreme Court’s intervening decision in *United States v. Booker*, 543 U.S. 220, 125 S. Ct. 738 (2005), and remanded the case for resentencing. *See United States v. Cody*, 136 Fed. Appx. 297 (11th Cir. 2005).

AFFIRMED.