

UNPUBLISHED

**UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

UNITED STATES OF AMERICA, <i>Plaintiff-Appellee,</i>
v.
JOSEPH E. DOTTS, <i>Defendant-Appellant.</i>

No. 00-4366

Appeal from the United States District Court  
for the Northern District of West Virginia, at Clarksburg.  
Irene M. Keeley, District Judge.  
(CR-99-12)

Submitted: September 26, 2000

Decided: November 14, 2000

Before WILKINS, NIEMEYER, and TRAXLER, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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**COUNSEL**

G. Patrick Stanton, Jr., STANTON & STANTON, Fairmont, West Virginia, for Appellant. Melvin W. Kahle, Jr., United States Attorney, Sherry L. Muncy, Assistant United States Attorney, Elkins, West Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

**OPINION**

## PER CURIAM:

Joseph E. Dotts appeals his conviction for possession of a firearm by a felon, in violation of 18 U.S.C.A. § 922(g)(1) (West 2000). Dotts reserved in his conditional plea agreement the right to appeal the district court's denial of his motion to suppress. We have reviewed the parties' briefs, the joint appendix, and the district court's order accepting the recommendation of the magistrate judge in light of the applicable standard of review, *see United States v. Simons*, 206 F.3d 392, 398 (4th Cir. 2000), and find no reversible error.

Although Dotts asserts on appeal that the magistrate judge erred in finding the officers' version of events credible, it is the role of the fact finder to observe witnesses and weigh their credibility during pretrial motions to suppress, and we accord great deference to these findings. *See United States v. Murray*, 65 F.3d 1161, 1169 (4th Cir. 1995). We agree with the conclusions of the magistrate judge and the district court that there was no violation of the "knock and announce" requirement. *See United States v. Dotts*, No. CR-99-12 (N.D.W. Va. Aug. 24, 1999) (order denying motion to suppress).

Accordingly, we affirm Dotts' conviction. 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*