

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 00-4495**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

BEN TELLMER PRINES,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Rebecca B. Smith, District Judge. (CR-99-193)

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Submitted: January 31, 2001

Decided: February 15, 2001

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Before NIEMEYER, WILLIAMS, and MOTZ, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Robert E. Frank, Norfolk, Virginia, for Appellant. Helen F. Fahey, United States Attorney, Melissa R. Sternlicht, Special Assistant United States Attorney, Norfolk, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Ben Tellmer Prines was convicted pursuant to his guilty plea under 18 U.S.C. §§ 287 (1994) and 2 (1994) to four counts of false claims and four counts of theft of public money under 18 U.S.C.A. §§ 641 (West 2000). On appeal, he alleges that the district court erred by increasing his base offense level by two levels for more than minimal planning under United States Sentencing Guidelines Manual § 2F1.1(b)(2)(A) (1998). Finding no reversible error, we affirm.

We review the district court's determination that Prines' actions constituted more than minimal planning for clear error. United States v. Pearce, 65 F.3d 22, 26 (4th Cir. 1995). Prines' contention that he did not qualify for the enhancement because he illegally procured federal treasury checks on only two occasions lacks merit. The record amply supports the district court's finding that Prines engaged in numerous acts of planning and preparation prior to the dates he actually procured the checks. These findings are sufficient to support the enhancement. Id.

Accordingly, we affirm Prines sentence, and the district court's judgment. 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