

UNPUBLISHED
UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA, <i>Plaintiff-Appellee,</i> v. JAMES HAMPTON EVANS, <i>Defendant-Appellant.</i>
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No. 00-4535

Appeal from the United States District Court
for the Western District of North Carolina, at Charlotte.
Richard L. Voorhees, District Judge.
(CR-99-175-V)

Submitted: January 19, 2001

Decided: February 13, 2001

Before NIEMEYER, MICHAEL, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

M. Timothy Porterfield, Charlotte, North Carolina, for Appellant.
Mark T. Calloway, United States Attorney, Brian Lee Whisler, Assistant United States Attorney, Charlotte, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

James Hampton Evans was convicted of being a felon in possession of a firearm pursuant to 18 U.S.C. § 922(g)(1) (1994). He appeals the district court's denial of his Fed. R. Crim. P. 29 motion for acquittal. Specifically, Evans contends that the evidence was insufficient to support a finding that he possessed the firearm in question. To support his contention, Evans relies primarily on *United States v. Blue*, 957 F.2d 106 (4th Cir. 1992), in which this court overturned a § 922(g) conviction on the ground that the evidence was insufficient to support a finding of possession. We have reviewed the record, however, and find that the facts of this case are more closely analogous to the facts of *United States v. Johnson*, 55 F.3d 976 (4th Cir. 1995), in which we held that the evidence was sufficient to support a finding of firearm possession. We therefore affirm the district court's denial of the Rule 29 motion.* We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and oral argument would not aid the decisional process.

AFFIRMED

*The other arguments advanced by Evans relate only to witness credibility. Assessing witness credibility, however, is within the province of the jury, *Johnson*, 55 F.3d at 979, and is a function that this court does not perform on appeal. *United States v. Romer*, 148 F.3d 359, 364 (4th Cir. 1998), *cert. denied*, 525 U.S. 1141 (1999).