

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-4036

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

EARNEST HAYNESWORTH,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Newport News. Robert G. Doumar, Senior District Judge. (CR-00-52)

Submitted: September 20, 2001

Decided: October 9, 2001

Before LUTTIG and MICHAEL, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Lyn M. Simmons, Newport News, Virginia, for Appellant. Kenneth E. Melson, United States Attorney, Timothy R. Murphy, Special Assistant United States Attorney, Norfolk, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Earnest Haynesworth appeals from his conviction following his guilty plea to possession of cocaine base with intent to distribute in violation of 21 U.S.C.A. § 841(a)(1) (West 1999) and possession of a firearm by a convicted felon in violation of 18 U.S.C.A. § 922(g)(1) (West 2000). Haynesworth was sentenced to a 105-month prison term for each count, to run concurrently. Haynesworth's sole issue on appeal is whether the district court abused its discretion in denying his motion to withdraw his guilty plea.

This court reviews the denial of a motion to withdraw a guilty plea for abuse of discretion. United States v. Ubakanma, 215 F.3d 421, 424 (4th Cir. 2000). Haynesworth must present a "fair and just" reason for withdrawing his guilty plea. Fed. R. Crim. P. 32(e); United States v. Moore, 931 F.2d 245, 248 (4th Cir. 1991). Based on the factors set forth in Moore, we find the district court did not abuse its discretion in denying the motion.

Accordingly, we affirm Haynesworth's conviction and sentence. 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