UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-4721

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

CECIL D. DUMAS, JR.,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. James R. Spencer, District Judge; Richard L. Williams, Senior District Judge. (CR-01-106)

Submitted: March 6, 2002 Decided: March 14, 2002

Before WILKINS, NIEMEYER, and MOTZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Reginald M. Barley, Richmond, Virginia, for Appellant. Paul J. McNulty, United States Attorney, Stephen W. Miller, Assistant United States Attorney, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Cecil Dee Dumas, Jr., was convicted of possession with intent to distribute cocaine base in violation of 21 U.S.C.A. § 841(a)(1) (West 1999) and sentenced to thirty-eight months' imprisonment. Dumas asserts the district court erred in denying his motion to suppress narcotics allegedly obtained during an illegal search and seizure. We affirm.

We review a district court's factual findings underlying its denial of a motion to suppress for clear error, while reviewing its legal conclusions de novo. United States v. Rusher, 966 F.2d 868, 873 (4th Cir. 1992). In addition, in reviewing the denial of a motion to suppress, we review the evidence in the light most favorable to the government. United States v. Seidman, 156 F.3d 542, 547 (4th Cir. 1998). Under these standards, we conclude the district court properly denied Dumas' motion to suppress the evidence for the reasons stated in its June 12, 2001 order.

Accordingly, we affirm Dumas' 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