

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-4929

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

RODNEY FEURY HAMMOND,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Wilmington. James C. Fox, Senior District Judge. (CR-01-32-FO)

Submitted: July 18, 2002

Decided: August 22, 2002

Before WIDENER, WILKINS, and LUTTIG, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Thomas P. McNamara, Federal Public Defender, Stephen C. Gordon, Assistant Federal Public Defender, Raleigh, North Carolina, for Appellant. Frank D. Whitney, United States Attorney, Anne M. Hayes, Assistant United States Attorney, Felice McConnell Corpening, Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Rodney F. Hammond appeals his conviction and forty-one month sentence, after a jury trial, for breaking and entering into the Oak Island, North Carolina post office, in violation of 18 U.S.C.A. § 2115 (West Supp. 2000), and theft of government property, specifically, cash and money orders, in violation of 18 U.S.C.A. § 641 (West 2000).

On appeal, Hammond argues that, under Fed. R. Evid. 403, the district court erred in admitting testimony from his state probation officer, notwithstanding the district court's limiting instructions. We review the district court's determination on the admissibility of evidence for abuse of discretion. United States v. Powers, 59 F.3d 1460, 1469 (4th Cir. 1995). Hammond's claim is meritless. Fed. R. Evid. 403; United States v. Hines, 943 F.2d 348, 353-54 (4th Cir. 1991); United States v. Silva, 745 F.2d 840, 844 (4th Cir. 1984).

Accordingly, we affirm Hammond'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 significantly aid the decisional process.

AFFIRMED