

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-4068

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

TIMOTHY JOHN PULLIAM,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Durham. N. Calton Tilley, Jr., Chief District Judge. (CR-02-134)

Submitted: May 15, 2003

Decided: May 22, 2003

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

Affirmed by unpublished per curiam opinion.

Louis C. Allen, III, Federal Public Defender, William C. Ingram, Assistant Federal Public Defender, Greensboro, North Carolina, for Appellant. Anna Mills Wagoner, United States Attorney, Lisa B. Boggs, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Timothy John Pulliam pled guilty to one count of possession of a firearm after having been convicted of a crime punishable by more than one year imprisonment, in violation of 18 U.S.C. §§ 922(g), 924(e) (2000). The district court determined that Pulliam qualified as an armed career criminal under 18 U.S.C. § 924(e) (2000), and sentenced him to a total of 182 months imprisonment. He appeals his sentence.

Pulliam asserts that because the predicate convictions under § 924(e) were not alleged in the indictment, the enhanced offense level used to calculate his sentence violates the rule announced in Apprendi v. New Jersey, 530 U.S. 466 (2000). We have previously rejected a similar argument, and conclude that Pulliam's assertion of error is without merit. United States v. Sterling, 283 F.3d 216, 219-20 (4th Cir.), cert. denied, 536 U.S. 931 (2002).

Accordingly, we affirm Pulliam'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