

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-4197

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ANDRE RAMON COOPER,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Durham. James A. Beaty, Jr., District Judge. (CR-02-261)

Submitted: July 10, 2003

Decided: July 15, 2003

Before WILKINSON, MOTZ, and TRAXLER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Louis C. Allen, III, Federal Public Defender, John A. Dusenbury, Jr., 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Unpublished opinions are not binding precedent in this circuit.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:

Andre Cooper appeals his conviction following his conditional guilty plea to being a felon in possession of firearms, in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(2) (2000). Cooper preserved the right to appeal the district court's denial of his motion to suppress evidence. Finding no error, we affirm the denial of Cooper's motion to suppress.

Cooper contends the district court erred in denying his motion to suppress evidence obtained from a warrantless search of his vehicle. This Court reviews the factual findings underlying the denial of a motion to suppress for clear error, while reviewing the legal determinations de novo. United States v. Rusher, 966 F.2d 868, 873 (4th Cir. 1992).

Cooper alleges the evidence at the suppression hearing showed he consented to only a limited search. The district court, in denying the motion, relied on its assessment of the credibility of the witnesses in determining that Cooper consented to the search of the vehicle which resulted in the discovery of a suspected controlled substance and consequently a firearm on his person. Thus, we find Cooper has not shown the district court clearly erred in denying his motion.

Accordingly, we affirm Cooper's conviction. 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