

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 04-4992**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

TYRICK PATTERSON,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Terrence W. Boyle, District Judge. (CR-04-111)

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Submitted: January 27, 2006

Decided: March 6, 2006

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Before WILLIAMS, MOTZ, and SHEDD, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Thomas P. McNamara, Federal Public Defender, Stephen C. Gordon, Assistant Federal Public Defender, Raleigh, North Carolina, for Appellant. Frank DeArmon Whitney, United States Attorney, Anne Margaret Hayes, Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Tyrick Patterson pled guilty to being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1) (2000). Initially, the district court overruled Patterson's objections to the guideline calculation based on Blakely v. Washington, 542 U.S. 296 (2004), and sentenced him to a term of twenty-one months imprisonment. On appeal, Patterson argued that the district court erred in imposing sentence under a mandatory guideline scheme. Without filing a brief, the government moved to vacate the sentence and remand the case to the district court for resentencing in light of United States v. Booker, 543 U.S. 220 (2005). We granted the motion and Patterson was resentenced to a term of nineteen months imprisonment. Patterson has not identified any error in the sentence imposed on remand.

We therefore affirm the sentence imposed by the district court. 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