

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-4293

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

KENNETH MAURICE MADDOX,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. W. Earl Britt, Senior District Judge. (CR-04-185)

Submitted: January 9, 2006

Decided: January 23, 2006

Before NIEMYER, WILLIAMS, and TRAXLER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Thomas P. McNamara, Federal Public Defender, Stephen C. Gordon, Assistant Federal Public Defender, OFFICE OF THE FEDERAL PUBLIC DEFENDER, Raleigh, North Carolina, for Appellant. Frank D. Whitney, United States Attorney, Anne M. Hayes, Assistant United States Attorney, Christine Witcover Dean, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, For Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Kenneth Maurice Maddox pled guilty to being a felon in possession of a firearm and was sentenced to 70 months in prison. Maddox appeals, claiming that the district court's sentence was unreasonable and inconsistent with United States v. Booker, 543 U.S. 220, 125 S. Ct. 738 (2005), and that the district court improperly considered Maddox's prior North Carolina convictions when applying section 2K2.1(a)(2) of the U.S. Sentencing Guidelines Manual (2004).

We affirm. The district court was aware of the advisory nature of the sentencing guidelines and imposed a sentence that was reasonable under the circumstances of this case. Maddox's argument that the district court improperly used his prior North Carolina convictions is foreclosed by our decision in United States v. Harp, 406 F.3d 242 (4th Cir. 2005). 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