

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-4507

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ROLAND L. MAYS, JR.,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Malcolm J. Howard, District Judge. (CR-05-30)

Submitted: October 28, 2005

Decided: November 15, 2005

Before WILKINSON, MOTZ, and SHEDD, 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Affirmed by unpublished per curiam opinion.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, Christine Witcover Dean, Assistant United States Attorneys, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Following a jury trial before a magistrate judge, Roland Mays was convicted of forcibly assaulting, resisting, opposing, impeding, intimidating, and interfering with a military police officer, in violation of 18 U.S.C.A. § 111 (West Supp. 2005) (Count 1); communicating a threat, in violation of 18 U.S.C. § 13 (2000), assimilating N.C. Gen. Stat. § 14-277.1 (1993) (Count 3); and resisting, delaying, or obstructing a public officer, in violation of 18 U.S.C. § 13, assimilating N.C. Gen. Stat. § 14-223 (1993) (Count 4). The magistrate judge sentenced Mays to twelve months on Count 1, a consecutive four months on Count 3, and a concurrent sixty days on Count 4. Mays appealed to the district court, challenging the magistrate judge's imposition of a consecutive sentence on Count 3. The district court affirmed Mays' sentence and Mays timely appealed. We find no error in the district court's order affirming the sentence imposed by the magistrate judge. Accordingly, we affirm for the reasons stated by the district court. See United States v. Mays, No. CR-05-30 (E.D.N.C. Apr. 1, 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