

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-4608

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

CHRISTOPHER LEON FAISON,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Durham. Frank W. Bullock, Jr., District Judge. (CR-04-460)

Submitted: January 4, 2006

Decided: January 24, 2007

Before WILKINSON, LUTTIG,* and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Michael W. Patrick, Chapel Hill, North Carolina, for Appellant.
Anna Mills Wagoner, United States Attorney, Sandra J. Hairston,
Assistant United States Attorney, Greensboro, North Carolina, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.

*Judge Luttig was a member of the original panel but did not participate in this decision. This opinion is filed by a quorum of the panel pursuant to 28 U.S.C. § 46(d).

PER CURIAM:

Christopher Leon Faison pled guilty to distributing "61.2 grams (net weight) of a mixture and substance containing a detectable amount of cocaine base ("crack")." (J.A. 5). He received a mandatory minimum ten-year sentence under 21 U.S.C.A. § 841(b)(1)(A) (West 2000 & Supp. 2005). On appeal, Faison argues that the district court violated his Sixth Amendment rights under United States v. Booker, 543 U.S. 220 (2005). For the reasons that follow, we affirm.

The Government bears the burden of proving the quantity of drugs for which a defendant should be held accountable at sentencing. See United States v. Gilliam, 987 F.2d 1009, 1013 (4th Cir. 1993). We find that the Government met its burden in Faison's case because he pled guilty, without reserving his right to challenge the amount for sentencing purposes, to an indictment that attributes a specific quantity of drugs to him. Id. Thus, we find no error under Booker as Faison admitted to the relevant drug amount by pleading guilty to the indictment in this case. Booker, 543 U.S. at 244.

Accordingly, we affirm Faison's 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