

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 05-4695**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

RAMON LEE THOMPSON,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of North Carolina, at New Bern. Malcolm J. Howard, Senior District Judge. (CR-04-44)

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Submitted: April 26, 2006

Decided: May 12, 2006

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Before WILLIAMS and MOTZ, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.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 D. Whitney, United States Attorney, Anne M. Hayes, Christine Witcover Dean, Assistant United States Attorneys, 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Unpublished opinions are not binding precedent in this circuit.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:

Pursuant to his guilty plea, Ramon Lee Thompson was convicted of possession of a firearm by a convicted felon, in violation of 18 U.S.C.A. §§ 922(g)(1), 924 (West 2000 & Supp. 2005), and conspiracy to make false statements in connection with the acquisition of firearms, in violation of 18 U.S.C.A. § 922(a)(6), 371 (West 2000 & Supp. 2005). The district court sentenced Thompson to concurrent terms of fifty-two months in prison on each offense. Thompson timely appeals his sentence, contending that the district court erred by denying his request for a two-level downward adjustment under U.S. Sentencing Guidelines Manual (USSG) § 3E1.1 (2004) for acceptance of responsibility. We affirm Thompson's sentence.

The district court determined that a downward adjustment for acceptance of responsibility was not warranted because Thompson tested positive for marijuana use while he was on release pending sentencing. We find no clear error in this ruling. See USSG § 3E1.1, cmt. (n.1(b)); United States v. Kise, 369 F.3d 766, 771 (4th Cir. 2004) (providing standard); United States v. Ceccarani, 98 F.3d 126, 130-31 (3d Cir. 1996) (upholding denial of acceptance of responsibility reduction based on new unrelated criminal conduct).

Accordingly, we affirm Thompson'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