

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-4827

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

BOBBY RAY HAILEY,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Durham. James A. Beaty, Jr., District Judge. (CR-05-7)

Submitted: March 23, 2006

Decided: March 28, 2006

Before WILKINSON, LUTTIG, and WILLIAMS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

William L. Osteen, Jr., ADAMS & OSTEEEN, Greensboro, North Carolina, for Appellant. Anna Mills Wagoner, United States Attorney, Kearns Davis, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Bobby Ray Hailey, reserving his right to appeal the district court's denial of his motion to suppress, pled guilty to possession with intent to distribute cocaine hydrochloride, 21 U.S.C. § 841(a)(1), (b)(1)(C) (2000), possession of firearms in commerce after felony conviction, 18 U.S.C. §§ 922(g)(1), 924(e)(1) (2000), and possession with intent to distribute methamphetamine, 21 U.S.C. § 841(a)(1), (b)(1)(C). He was sentenced to 140 months of imprisonment. On appeal, Hailey asserts the district court erred in denying his motion to suppress evidence seized from his vehicle. Finding no reversible error, we affirm.

This court reviews the factual findings underlying a motion to suppress for clear error, and the district court's legal determinations de novo. See Ornelas v. United States, 517 U.S. 690, 699 (1996). When a suppression motion has been denied, this court reviews the evidence in the light most favorable to the government. See United States v. Seidman, 156 F.3d 542, 547 (4th Cir. 1998). With these standards in mind, and having reviewed the transcript of the suppression hearing and the parties' briefs, we conclude that the district court did not err in denying the motion to suppress. Accordingly, we affirm the judgment. 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 in the decisional process.

AFFIRMED