

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-4940

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

RENALDO GRAHAM,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Florence. Terry L. Wooten, District Judge. (CR-05-76-TLW)

Submitted: May 19, 2006

Decided: June 16, 2006

Before NIEMEYER, MICHAEL, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

William F. Nettles, IV, Assistant Federal Public Defender, Florence, South Carolina, for Appellant. Jonathan S. Gasser, United States Attorney, Rose Mary Parham, Assistant United States Attorney, Florence, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Renaldo Graham appeals his conviction and aggregate 172-month prison sentence for robbery affecting interstate commerce, in violation of 18 U.S.C. § 1951(a) (2000), and possession of a firearm in furtherance of a crime of violence, in violation of 18 U.S.C. § 924(c)(1)(A) (2000). Finding no error, we affirm.

Graham's only contention on appeal is that the district court erred in applying a two-level upward adjustment to his base offense level on the robbery charge for physically restraining his victims, pursuant to U.S. Sentencing Guidelines Manual § 2B3.1(b)(4)(B) (2004). When reviewing a district court's application of the Sentencing Guidelines, we review findings of fact for clear error and review questions of law de novo. See United States v. Green, 436 F.3d 449, 456 (4th Cir. 2006). We have reviewed the record, the district court's findings, and the briefs of the parties, and conclude that Graham qualified for the enhancement for physically restraining his victims, as this court has applied that term. See United States v. Wilson, 198 F.3d 467, 471-72 (4th Cir. 1999); United States v. Stokley, 881 F.2d 114, 116 (4th Cir. 1989).

Accordingly, we affirm Graham's conviction and 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