

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-4778

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ROCKIE GENE WILLIAMS,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Malcolm J. Howard, Senior District Judge. (5:04-cr-00261-H)

Submitted: January 17, 2007

Decided: February 15, 2007

Before WILLIAMS, TRAXLER, 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Affirmed by unpublished per curiam opinion.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. George E. B. Holding, United States Attorney, Anne M. Hayes, Jennifer May-Parker, Assistant United States Attorneys, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Rockie Gene Williams appeals the 180-month sentence he received after he pled guilty to being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1) (2000). Williams was sentenced as an armed career criminal pursuant to 18 U.S.C.A. § 924(e) (West 2000 & Supp. 2006), and U.S. Sentencing Guidelines Manual § 4B1.4 (2005). He contends on appeal that his enhanced sentence violates the Fifth and Sixth Amendments under Blakely v. Washington, 542 U.S. 296 (2004), because it was based on facts that were not charged or proved beyond a reasonable doubt, or admitted by him. We affirm.

Williams did not dispute the fact or nature of the predicate convictions in the district court. We have previously held that the fact that a defendant has prior convictions that may be used as the basis for an armed career criminal sentence need not be charged or proved beyond a reasonable doubt. United States v. Cheek, 415 F.3d 349, 352-54 (4th Cir.), cert. denied, 126 S. Ct. 640 (2005). We decline Williams' invitation to reconsider the continued validity of Almendarez-Torres v. United States, 523 U.S. 224 (1998), which we previously held to be still viable after Apprendi v. New Jersey, 530 U.S. 466 (2000), and its progeny. See United States v. Thompson, 421 F.3d 278, 281-83 (4th Cir. 2005), cert. denied, 126 S. Ct. 1463 (2006).

We therefore affirm the sentence imposed by the district court. 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