

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 08-4804**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DWAYNE MCARTHUR MITCHELL,

Defendant - Appellant.

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Appeal from the United States District Court for the District of South Carolina, at Charleston. David C. Norton, District Judge (2:07-cr-01118-DCN-2)

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Submitted: March 17, 2009

Decided: March 19, 2009

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Before TRAXLER, KING, and AGEE, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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David B. Betts, Columbia, South Carolina, for Appellant. Sean Kittrell, Assistant United States Attorney, Charleston, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Dwayne McArthur Mitchell pled guilty, pursuant to a written plea agreement, to possession of a firearm and ammunition by a convicted felon, in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(2) (2006). The conditional plea preserved Mitchell's right to appeal the district court's denial of his motion to suppress. Mitchell was sentenced to 110 months' imprisonment. Counsel for Mitchell has filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967), certifying that there are no meritorious grounds for appeal, but questioning whether the district court erred in denying the motion to suppress. Mitchell was notified of his right to file a supplemental pro se brief but has not done so. The Government has declined to file a reply brief. Finding no reversible error, we affirm.

This court reviews the factual findings underlying a motion to suppress for clear error, and the legal determinations de novo. United States v. Wilson, 484 F.3d 267, 280 (4th Cir. 2007). When evaluating the denial of a suppression motion, we review the evidence in the light most favorable to the Government. United States v. Uzenski, 434 F.3d 690, 704 (4th Cir. 2006).

With these standards in mind, and having reviewed the transcript of the suppression hearing, we conclude the district

court did not err in denying the motion to suppress. In accordance with Anders, we have reviewed the record in this case and have found no meritorious issues for appeal. We therefore affirm the district court's judgment. This court requires that counsel inform Mitchell, in writing, of the right to petition the Supreme Court of the United States for further review. If Mitchell requests that a petition be filed, but counsel believes that such a petition would be frivolous, then counsel may move in this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on Mitchell. 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