UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-4356

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MICHAEL KEITH HAWKINS,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. Thomas D. Schroeder, District Judge. (1:08-cr-00436-TDS-1)

Submitted: February 24, 2011 Decided: February 28, 2011

Before GREGORY, SHEDD, and KEENAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Milton B. Shoaf, Jr., Salisbury, North Carolina, for Appellant. Anna Mills Wagoner, United States Attorney, Randall S. Galyon, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Michael Keith Hawkins pled guilty to possession with intent to distribute cocaine base, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(B) (2006), and possession of a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c) (2006). The district court sentenced Hawkins to the mandatory minimum term of 120 months' imprisonment on the drug conviction followed by a mandatory, consecutive sixty-month term of imprisonment on the firearm conviction. Hawkins appeals the district court's imposition of the consecutive sentence.

On appeal, Hawkins argues that the district court erred in imposing the consecutive sentence under § 924(c) because he received a greater minimum sentence for the drug conviction. Hawkins's argument is foreclosed by the Supreme Court's recent decision in Abbott v. United States, 562 U.S. ___, 131 S. Ct. 18 (2010). In Abbott, the Court held that § 924(c) subjects a defendant to a mandatory, consecutive sentence regardless of whether the defendant also receives a greater mandatory minimum sentence on a different count of conviction. Abbott, 131 S. Ct. at 23. Therefore, Hawkins's sentence is not subject to attack on the ground that he asserts.

Accordingly, we affirm the district court's 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 the decisional process.

AFFIRMED