UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-4112

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

STACY ERWIN JONES,

Defendant - Appellant.

Appeal from the United States District Court for the Southern District of West Virginia, at Charleston. Thomas E. Johnston, District Judge. (2:14-cr-00080-1)

Submitted: September 18, 2015 Decided: September 29, 2015

Before WILKINSON and KEENAN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Gregory J. Campbell, CAMPBELL LAW OFFICE, Charleston, West Virginia, for Appellant. R. Booth Goodwin II, United States Attorney, Joshua C. Hanks, Assistant United States Attorney, Charleston, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Stacy Erwin Jones appeals the district court's judgment sentencing him to 30 months in prison and 3 years of supervised release after the jury convicted him of aiding and abetting the distribution of heroin. In the district court, Jones objected to the probation officer's calculation of his relevant conduct, but his attorney withdrew the objection in an agreement with the Government resulting in a lower Guidelines range. On appeal, he raises the issue of whether the district court erred in accepting defense counsel's withdrawal of his objections and determining his relevant conduct pursuant to the agreement between defense counsel and the Government. We affirm.

Jones did not challenge the district court's acceptance of counsel's withdrawal in the district court. We thus review this issue for plain error. See United States v. Obey, 790 F.3d 545, 547 (4th Cir. 2015). Jones "must show that an error occurred, that it was plain, and that it affected his substantial rights." Id. (citation omitted). Even if he makes this showing, "we will correct the error only if it seriously affect[s] the fairness, integrity or public reputation of judicial proceedings." Id. (citation and internal quotation marks omitted). We have reviewed the record and Jones' brief, and we conclude that he fails to show plain error affecting his substantial rights.

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 this court and argument would not aid the decisional process.

AFFIRMED