

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-4699

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

DESMAL ALBRIGHT HAIRSTON,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Leonie M. Brinkema, District Judge. (CR-98-121)

Submitted: May 13, 1999

Decided: May 20, 1999

Before WIDENER and MOTZ, Circuit Judges, and BUTZNER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Robert Stanley Powell, Arlington Virginia, for Appellant. Helen F. Fahey, United States Attorney, Andrew James McKenna, Special Assistant United States Attorney, Alexandria, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Desmal Hairston appeals his conviction by a jury for operating a motor vehicle while an habitual offender under the Assimilated Crimes Act, 18 U.S.C.A. § 13 (West 1994 & Supp. 1999) and Va. Code Ann. § 46.2-357(B)(3) (Michie 1998). Hairston contends that the district court erred in denying his motion to suppress evidence obtained as a result of an illegal search and seizure. We conclude that the district court properly found that the search and seizure conducted on a closed military base was proper. See United States v. Jenkins, 986 F.2d 76, 78 (4th Cir. 1993). Accordingly, we affirm Hairston'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