

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-4719

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

COLIN SEALE, a/k/a Andy Seale,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Florence. C. Weston Houck, Chief District Judge. (CR-97-663)

Submitted: August 31, 1999

Decided: September 30, 1999

Before WILKINS and NIEMEYER, Circuit Judges, and BUTZNER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Deborah R.J. Shupe, LOUTHIAN & LOUTHIAN, Columbia, South Carolina, for Appellant. J. Rene Josey, United States Attorney, Alfred W. Bethea, Jr., Assistant United States Attorney, Florence, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Colin Seale pled guilty under a plea agreement to conspiracy to distribute cocaine base. On appeal, Seale alleges that the district court erred by failing to find that he had provided substantial assistance to the Government, meriting a motion under the agreement for a downward departure under U.S. Sentencing Guidelines Manual, § 5K1.1, p.s. (1997). We do not find that the district court clearly erred in its finding that Seale failed to provide substantial assistance. See United States v. Conner, 930 F.2d 1073, 1076 (4th Cir. 1991). Accordingly, we affirm Seale'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