

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 99-4115**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

MICHAEL L. MCCORMICK,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. T.S. Ellis, III, District Judge. (CR-98-354)

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Submitted: June 15, 1999

Decided: July 25, 1999

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Before MURNAGHAN and WILKINS, Circuit Judges, and PHILLIPS, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Gregory B. English, ENGLISH & SMITH, Alexandria, Virginia, for Appellant. Helen F. Fahey, United States Attorney, J. Richard Doidge, Special Assistant United States Attorney, Alexandria, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Michael L. McCormick appeals his conviction upon a conditional plea of guilty for operating a motor vehicle after having been adjudicated an habitual offender by the Commonwealth of Virginia in violation of 18 U.S.C.A. § 13 (West 1994 & Supp. 1999) (assimilating Va. Code Ann. § 46.2-357(B)(3) (Michie 1998)). McCormick contends that the district court erred in denying his motion to suppress the Government's evidence and his incriminating statement on the basis that he was seized in violation of his Fourth Amendment rights by military police at the entrance of the Marine Base at Quantico, Virginia. We conclude that the district court properly found that the search and seizure conducted on the closed military base did not violate McCormick's Fourth Amendment rights. See United States v. Jenkins, 986 F.2d 76, 78 (4th Cir. 1993). Accordingly, we affirm McCormick'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