

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-4232

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

TRACY EDGAR KNOX,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Newport News. Jerome B. Friedman, District Judge. (CR-98-13)

Submitted: August 31, 1999

Decided: September 20, 1999

Before ERVIN,* LUTTIG, and TRAXLER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

James S. Ellenson, Newport News, Virginia, for Appellant. Helen F. Fahey, United States Attorney, James Ashford Metcalf, Assistant United States Attorney, Norfolk, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

* Judge Ervin participated in this case but died prior to the time the decision was filed. The decision is filed by a quorum of the panel pursuant to 28 U.S.C. § 46(d).

PER CURIAM:

Tracy Edgar Knox appeals his convictions entered on his guilty plea to felon in possession of a firearm in violation of 18 U.S.C. § 922(g) (1994), and possession with intent to distribute crack cocaine in violation of 18 U.S.C. § 841(a)(1) & (b)(1)(B)(iii) (1994). On appeal, Knox contends that the district court erred in concluding that Knox's plea was knowing and voluntary without inquiring regarding Knox's physical comfort during the Fed. R. Crim. P. 11 hearing. We have reviewed the record on appeal and determine that the district court did not err in accepting Knox's plea as knowingly and voluntarily made. See United States v. Lambey, 974 F.2d 1389, 1394 (4th Cir. 1992) (en banc); United States v. DeFusco, 949 F.2d 114, 116 (4th Cir. 1991). Finding no merit to Knox's only claim of error on appeal, we affirm his convictions and sentences.

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