

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-4632

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

WAYNE RENARD THOMAS,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Durham. William L. Osteen, District Judge. (CR-99-86-1)

Submitted: January 31, 2000

Decided: March 10, 2000

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

Affirmed by unpublished per curiam opinion.

Louis C. Allen III, Federal Public Defender, Greensboro, North Carolina, for Appellant. Walter C. Holton, Jr., United States Attorney, Michael F. Joseph, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Wayne Renard Thomas appeals from an eighty-five month sentence imposed following his guilty plea for bank robbery, 18 U.S.C. § 2113(a) (1994). He claims that the district court erred when it enhanced his sentence pursuant to U.S. Sentencing Guidelines Manual § 2B3.1(b)(2)(F) (1998) for making a threat of death during the bank robbery. We have reviewed de novo the district court's interpretation of Thomas's conduct and find that the court did not err in determining that he engaged in conduct that would instill a fear of death in a reasonable person. See United States v. Franks, 183 F.3d 335, 337-39 (4th Cir. 1999). Accordingly, we affirm Thomas'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