

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 18-4229

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MICHAEL RAY GOINS, a/k/a pthcisgreat,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina,
at Statesville. Richard L. Voorhees, Senior District Judge. (5:17-cr-00018-RLV-DSC-1)

Submitted: April 18, 2019

Decided: April 22, 2019

Before WILKINSON, MOTZ, and KEENAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Anthony Martinez, Federal Public Defender, Ann L. Hester, Assistant Federal Public
Defender, Jared P. Martin, Assistant Federal Public Defender, FEDERAL DEFENDERS
OF WESTERN NORTH CAROLINA, INC., Charlotte, North Carolina, for Appellant.
Amy Elizabeth Ray, Assistant United States Attorney, OFFICE OF THE UNITED
STATES ATTORNEY, Asheville, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Michael Ray Goins entered a conditional guilty plea to one count of possession of child pornography involving a minor under 12 years of age, in violation of 18 U.S.C. § 2252A(a)(5)(B), (b)(2) (2012), preserving his right to challenge on appeal the district court's order denying his motion to suppress. The district court sentenced Goins to the 120-month statutory mandatory minimum sentence applicable to his conviction. Counsel has filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), asserting there are no meritorious issues for review, but nonetheless discussing the correctness of the district court's suppression ruling. Goins was informed of his right to file a pro se supplemental brief, but he has not done so, and the Government has declined to file a response brief. We affirm.

“When a district court has denied a motion to suppress, we review the court's legal conclusions de novo and its factual findings for clear error[,] view[ing] the evidence in the light most favorable to the government” *United States v. Hill*, 852 F.3d 377, 381 (4th Cir. 2017) (citation omitted). Goins sought to suppress evidence the Government seized pursuant to a search warrant that was obtained to investigate users of a child pornography website called “Playpen,” and which was the subject of a previous appeal before this court. *See United States v. McLamb*, 880 F.3d 685, 686 (4th Cir.), *cert. denied*, 139 S. Ct. 156 (2018). In *McLamb*, we expressly rejected the same legal challenges to the Network Investigative Technique warrant (“NIT warrant”) that Goins raised in his suppression motion. *Id.* at 689-90 (holding that, even if the NIT warrant violated the Fourth Amendment, the good faith exception to the warrant requirement

precluded the suppression of evidence seized). We thus agree with counsel that any arguments Goins could raise on appeal to challenge the district court's suppression ruling are directly foreclosed by *McLamb*.

In accordance with *Anders*, we have reviewed the entire record in this case and have found no meritorious grounds for appeal. We therefore affirm the district court's judgment. This court requires that counsel inform Goins, in writing, of his right to petition the Supreme Court of the United States for further review. If Goins requests that a petition be filed, but counsel believes that such a petition would be frivolous, then counsel may move this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on Goins. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid in the decisional process.

AFFIRMED