

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-4019

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

MACEY WILSON, a/k/a Stephen M. Rogers,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. Frederic N. Smalkin, District Judge. (CR-99-237-S)

Submitted: May 19, 2000

Decided: August 11, 2000

Before WILLIAMS, MICHAEL, and MOTZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

James Wyda, Federal Public Defender, Barry Pollack, Assistant Federal Public Defender, Baltimore, Maryland, for Appellant. Lynne A. Battaglia, United States Attorney, Harvey Ellis Eisenberg, Assistant United States Attorney, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Macey Wilson appeals his conviction for being a felon in possession of a firearm, 18 U.S.C.A. § 922(g)(1) (West Supp. 2000). Wilson claims that the district court erred when it refused to instruct the jury on identification testimony using the model instruction that this court approved in United States v. Holley, 502 F.2d 273, 277-78 (4th Cir. 1974). We have reviewed the record and the briefs and find that the district court did not abuse its discretion in failing to give a Holley instruction. See United States v. Patterson, 150 F.3d 382, 387-88 (4th Cir. 1998), cert. denied, 525 U.S. 1086 (1999). Accordingly, we affirm Wilson'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