

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-4783

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

DONALD OSCAR HAYES, a/k/a Duke,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Wilmington. James C. Fox, Senior District Judge. (CR-00-78-F)

Submitted: July 10, 2001

Decided: July 27, 2001

Before LUTTIG and WILLIAMS, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Gary B. Zimmerman, Pittsburgh, Pennsylvania, for Appellant. John Stuart Bruce, United States Attorney, Anne M. Hayes, Assistant United States Attorney, Christine Witcover Dean, Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Donald Oscar Hayes appeals the district court order denying his motion to dismiss the indictment because it violated his protection against double jeopardy. We review the district court's factual findings for clear error and the conclusions of law de novo. United States v. Green, 139 F.3d 1002, 1004 (4th Cir. 1998). We find that the district court did not err by finding that there were two separate agreements to distribute marijuana in Pennsylvania. See United States v. Ragins, 840 F.2d 1184, 1190 (4th Cir. 1988); United States v. MacDougall, 790 F.2d 1135, 1144-46 (4th Cir. 1986). Accordingly, we affirm the district court's order. 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