

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-4187

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

TRAVIS ANTONE WADEN,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Durham. Frank W. Bullock, Jr., District Judge. (CR-01-284)

Submitted: December 6, 2002

Decided: December 24, 2002

Before WILKINS, LUTTIG, and TRAXLER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Thomas N. Cochran, Assistant Federal Public Defender, Greensboro, North Carolina, for Appellant. Anna Mills Wagoner, United States Attorney, Robert A.J. Lang, Assistant United States Attorney, Winston-Salem, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Travis Antone Waden appeals his conviction of one count of possession with intent to distribute 212.2 grams of cocaine base in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A) (2000). Waden pled guilty under a conditional plea agreement and was sentenced to 144 months in prison and five years of supervised release. On appeal, Waden argues the district court erred when it denied his motion to suppress evidence seized pursuant to a search warrant. We affirm.

We review the district court's factual findings underlying a motion to suppress for clear error, and the district court's legal determinations de novo. See Ornelas v. United States, 517 U.S. 690, 699 (1996); United States v. Rusher, 966 F.2d 868, 873 (4th Cir. 1992). When a suppression motion has been denied, we review the evidence in the light most favorable to the Government. See United States v. Seidman, 156 F.3d 542, 547 (4th Cir. 1998). We have reviewed the district court's denial of Waden's motion to suppress the evidence seized from the search of his residence and find no error. 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