

UNPUBLISHED

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

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*

v.

AKEEM LABEEB AL-MUWWAKKIL,  
a/k/a Willie Moore,  
*Defendant-Appellant.*

No. 02-4268

Appeal from the United States District Court  
for the Eastern District of Virginia, at Newport News.  
Robert G. Doumar, Senior District Judge.  
(CR-01-92)

Submitted: September 27, 2002

Decided: October 23, 2002

Before MICHAEL, TRAXLER, and GREGORY, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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**COUNSEL**

James Ellenson, Newport News, Virginia, for Appellant. Paul J. McNulty, United States Attorney, Matthew W. Hoffman, Special Assistant United States Attorney, Norfolk, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

**OPINION**

## PER CURIAM:

Akeem Labeeb Al-Muwwakkil appeals his conviction after a jury trial for possession of a firearm by a convicted felon in violation of 18 U.S.C. § 922(g)(1) (2000). Al-Muwwakkil was arrested when, during the arrest of another passenger, he was discovered in the back seat of his brother's car with a bag containing a backpack with two pistols in it. Prior to trial, Al-Muwwakkil tried unsuccessfully to suppress the contents of the backpack by arguing that the arresting officer violated his Fourth Amendment rights by searching the contents of the bag and the backpack. Al-Muwwakkil proceeded to trial and was convicted by a jury. This appeal followed.

On appeal, Al-Muwwakkil contends that the district court erred in failing to distinguish his factual circumstances from those in the Supreme Court's illustrative opinion in *Wyoming v. Houghton*, 526 U.S. 295, 301-07 (1999). After a thorough review of the record and the transcript of the hearing in the district court, we have no difficulty in finding that the district court did not err in denying Al-Muwwakkil's motion to suppress the evidence at issue. *United States v. Photogrammetric Data Servs., Inc.*, 259 F.3d 229, 237 (4th Cir. 2001), *cert. denied*, \_\_\_ U.S. \_\_\_, 70 U.S.L.W. 3373 (U.S. Mar. 18, 2002) (No. 01-722). The district court correctly applied the appropriate Supreme Court precedent in determining that, even assuming Al-Muwwakkil possessed standing to challenge the actions of the arresting officers, *Rakas v. Illinois*, 439 U.S. 128, 141-43 (1978), the seizure was proper. *New York v. Belton*, 453 U.S. 454, 460 (1981).

Accordingly, we hereby affirm the district court's order denying the motion to suppress and affirm Al-Muwwakkil'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*