

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-4520

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

TERRY LEON HIGHSMITH,

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-01-63-F)

Submitted: January 16, 2003

Decided: January 22, 2003

Before WILLIAMS, KING, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Thomas P. McNamara, Federal Public Defender, G. Alan DuBois, Assistant Federal Public Defender, Raleigh, North Carolina, for Appellant. Frank D. Whitney, 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Unpublished opinions are not binding precedent in this circuit.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:

Terry Leon Highsmith appeals his 180-month sentence imposed pursuant to the Armed Career Criminal Act, 18 U.S.C. § 924(e) (2000), for a violation of 18 U.S.C. § 922(g)(1) (2000). Highsmith's sole argument on appeal is that the district court erred in sentencing him as an armed career criminal because the predicate convictions were not alleged in the indictment. We have reviewed the record and find this appeal foreclosed by our decision in United States v. Sterling, 283 F.3d 216 (4th Cir.), cert. denied, 122 S. Ct. 2606 (2002). Accordingly, the judgment of the district court is affirmed. 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