

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-4069

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

GREGORY BENJAMIN,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. J. Frederick Motz, District Judge. (CR-01-62)

Submitted: June 3, 2003

Decided: June 19, 2003

Before WILKINSON, KING, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

James Wyda, Federal Public Defender, Melissa M. Moore, Staff Attorney, Baltimore, Maryland, for Appellant. Thomas M. DiBiagio, United States Attorney, Jacabed Rodriguez-Coss, Assistant United States Attorney, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Gregory Benjamin appeals his 238-month sentence for possession of a firearm by a convicted felon. Benjamin asserts that the district court erred in sentencing him as an armed career criminal because his 1995 predicate conviction for resisting arrest was obtained without the benefit of counsel. We have reviewed the briefs and joint appendix, and we find no reversible error. Accordingly, we affirm Benjamin's sentence for the reasons stated by the district court. (J.A. at 101-03). 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