

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-4269

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

MAURICE ALONZA WHITLOCK,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Jerome B. Friedman, District Judge. (CR-03-175)

Submitted: April 29, 2005

Decided: May 16, 2005

Before WILKINSON, WILLIAMS, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Ronald L. Smith, SMITH & SMITH-ASHLEY, Hampton, Virginia, for Appellant. Paul J. McNulty, United States Attorney, Michael J. Elston, Laura M. Everhart, Assistant United States Attorneys, Norfolk, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Maurice Alonza Whitlock appeals from his conviction for possession with intent to distribute cocaine base for which he received a 144-month sentence. Finding no error, we affirm.

Whitlock's sole contention on appeal is that the district court erred in denying his motion to suppress evidence.* Legal conclusions underlying the denial of a motion to suppress are reviewed de novo and factual findings are reviewed for clear error. Ornelas v. United States, 517 U.S. 690, 699 (1996); United States v. Rusher, 966 F.2d 868, 873 (4th Cir. 1992).

We have fully reviewed the materials submitted by the parties, including the transcript of the suppression hearing and the district court's opinion stated from the bench, and find no error in the district court's order denying Whitlock's motion to suppress evidence. Accordingly, we affirm.

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

*Whitlock has not raised a claim under United States v. Booker, 125 S. Ct. 738 (2005), or Blakely v. Washington, 124 S. Ct. 2531 (2004). Indeed, he raises no challenge to his sentence. Thus, he has waived review of the sentence.