

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-4691

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RANDOLPH LEIF KILFOIL,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. Thomas D. Schroeder, District Judge. (1:09-cr-00271-TDS-1)

Submitted: March 31, 2011

Decided: April 14, 2011

Before WILKINSON, MOTZ, and KEENAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Louis C. Allen, Federal Public Defender, John A. Dusenbury, Jr., Assistant Federal Public Defender, Greensboro, North Carolina, for Appellant. John W. Stone, Jr., Acting United States Attorney, Lisa B. Boggs, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Randolph Leif Kilfoil entered a conditional guilty plea to possession of a firearm by a felon, in violation of 18 U.S.C. § 922(g)(1) (2006), reserving his right to challenge the district court's denial of his motion to suppress the firearm at issue. The district court sentenced him to eighty-five months' imprisonment. We affirm.

Appellate counsel contends that the district court erred in denying the motion to suppress because the officers lacked a reasonable suspicion to seize Kilfoil and improperly entered the residence without a warrant or probable cause. We review the factual findings underlying the denial of a motion to suppress for clear error and the court's legal conclusions de novo. United States v. Branch, 537 F.3d 328, 337 (4th Cir. 2008). The evidence is "construed in the light most favorable to the Government, the prevailing party below." United States v. Uzenski, 434 F.3d 690, 704 (4th Cir. 2006).

With these standards in mind, we have considered carefully the arguments raised by Kilfoil on appeal and conclude for the reasons stated by the district court that the court properly denied the motion to suppress. United States v. Kilfoil, No. 1:09-cr-00271-TDS-1 (M.D.N.C. Nov. 24, 2009). Accordingly, we affirm the judgment of the district court entered on June 18, 2010. 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