

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-4250

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JAMES SEMME FRAZIER,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. James C. Cacheris, Senior District Judge. (CR-97-365-A)

Submitted: April 20, 1999

Decided: May 4, 1999

Before ERVIN and WILLIAMS, Circuit Judges, and PHILLIPS, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

James Semme Frazier, Appellant Pro Se. Nancy Marie Olson, Special Assistant United States Attorney, Alexandria, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

James S. Frazier appeals the district court's order dismissing his appeal from a magistrate judge's judgment of conviction after a jury trial finding Frazier guilty of one count of driving under the influence of alcohol, in violation of 18 U.S.C.A. § 13 (West Supp. 1998), assimilating Va. Code Ann. § 18.2-266(ii) (Michie 1996), and one count of speeding in violation of 32 C.F.R. § 634.25(f) (1998), adopting Va. Code Ann. § 46.2-870 (Michie 1998). The magistrate judge found Frazier guilty of unlawfully refusing to submit to a breath test, in violation of 18 U.S.C. § 3118 (1994). Finding no reversible error, we affirm.

We have considered the claims raised in Frazier's informal brief and supplemental brief. Insofar as Frazier contends that there were discrepancies in the Government's proof at trial, we find that the evidence was sufficient to sustain the convictions. See Glasser v. United States, 315 U.S. 60, 80 (1942). Frazier has forfeited review of the remaining claims because he did not raise them on appeal to the district court. See United States v. Bell, 988 F.2d 247, 250 (1st Cir. 1993).

Accordingly, we affirm. We deny Frazier's motion for appointment of counsel. 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