

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-4493

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

RICHARD A. CUSTER,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Leonie M. Brinkema, District Judge. (CR-98-196)

Submitted: March 30, 1999

Decided: April 30, 1999

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

Affirmed by unpublished per curiam opinion.

Alan H. Yamamoto, Alexandria, Virginia, for Appellant. Lois J. Schiffer, Assistant Attorney General, James F. Simon, Deputy Assistant Attorney General, John T. Stahr, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Richard A. Custer appeals the district court's order affirming his conviction and sentence imposed by the magistrate judge for taking migratory wildfowl using toxic lead shot in violation of 16 U.S.C. § 706 (1994). Custer claims on appeal that the Migratory Bird Treaty Act did not authorize the special agent of the United States Fish and Wildlife Service to serve Custer with a notice of violation. See 16 U.S.C. §§ 701-712 (1994). We have reviewed the record and find no reversible error. Accordingly, we affirm the district court's order. 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