

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-4640

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

DEFRIN DENNIS, a/k/a Dizzy,

Defendant - Appellant.

Appeal from the United States District Court for the Southern District of West Virginia, at Huntington. Joseph Robert Goodwin, District Judge. (CR-98-48)

Submitted: March 16, 1999

Decided: April 1, 1999

Before WILKINS and MICHAEL, Circuit Judges, and PHILLIPS, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Gregory Marshall Courtright, COLLINS & COURTRIGHT, Charleston, West Virginia, for Appellant. Rebecca A. Betts, United States Attorney, Lisa A. Green, Assistant United States Attorney, Huntington, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Defrin Dennis appeals his sentence of 87 months imprisonment imposed after his plea of guilty to distributing cocaine base in violation of 21 U.S.C. § 841(a) (1994). Dennis claims on appeal that the district court erred by denying him a two-level decrease in his base offense level under the safety valve provision of the guidelines and that the court erred in calculating the amount of cocaine base attributable to him as relevant conduct under the guidelines. However, we do not find that the district court clearly erred on either issue. Accordingly, we affirm his sentence. 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