

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-4901

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

SATURNINO PELAEZ MELO, a/k/a Pelaez Melo
Saturnino,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Durham. William L. Osteen, District Judge. (CR-98-193)

Submitted: August 19, 1999

Decided: August 25, 1999

Before WIDENER and KING, Circuit Judges, and PHILLIPS, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Louis C. Allen, III, Federal Public Defender, John A. Dusenbury, Jr., Assistant Federal Public Defender, Greensboro, North Carolina, for Appellant. Walter C. Holton, Jr., United States Attorney, Michael F. Joseph, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Saturnino Pelaez Melo appeals his sentence imposed after he pled guilty to one count of conspiracy to distribute cocaine hydrochloride in violation of 21 U.S.C. § 841 (1994). Melo only raises one sentencing issue on appeal. He contests the one kilogram of cocaine attributed to him for a negotiated, but not delivered, sale to an undercover police officer. We find that the court did not clearly err in attributing the one kilogram of cocaine to Melo. See United States v. Fletcher, 74 F.3d 49, 55 (4th Cir. 1996); U.S. Sentencing Guidelines Manual § 2D1.1, comment. (n.12) (1998).

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