

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-4139

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

DIMITRIOS SAKPAZIS,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. Frederic N. Smalkin, District Judge. (CR-98-178-S)

Submitted: July 9, 1999

Decided: July 22, 1999

Before LUTTIG and KING, Circuit Judges, and BUTZNER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

David J. Preller, Jr., Samuel M. Grant, PRELLER & PRELLER, Towson, Maryland, for Appellant. Lynne A. Battaglia, United States Attorney, Harvey Ellis Eisenberg, Assistant United States Attorney, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Dimitrios Sakpazis appeals from his conviction and forty-six-month sentence imposed following his guilty plea to distributing cocaine in violation of 21 U.S.C. § 841(a) (1994). Sakpazis asserts that the district court violated his due process rights by failing to enforce an alleged post-plea promise that he would receive only thirty-six months' imprisonment if he cooperated with the government. He also challenges the district court's relevant conduct determination of the amount of drugs attributable to him.

We have reviewed the briefs and the joint appendices, including the presentence report, and find no reversible error. Sakpazis' due process claim fails because he did not show that the government breached a promise that was part of the inducement for his guilty plea. See Santobello v. New York, 404 U.S. 257, 262 (1971); United States v. Martin, 25 F.3d 211, 217 (4th Cir. 1994). Nor did the district court clearly err in determining the amount of drugs attributable to Sakpazis. See United States v. Randall, 171 F.3d 195, 210 (4th Cir. 1999) (stating standard of review). Accordingly, we affirm Sakpazis' conviction and sentence. We deny Sakpazis' motion for 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