

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-4645

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

CHARLES EDWARD COFFEY, a/k/a Squeak,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Statesville. Richard L. Voorhees, District Judge. (CR-98-192)

Submitted: March 31, 2000

Decided: April 25, 2000

Before WILKINS, NIEMEYER, and MOTZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

J. Clark Fischer, RANDOLPH & FISCHER, Winston-Salem, North Carolina, for Appellant. Mark T. Calloway, United States Attorney, Gretchen C.F. Shappert, Assistant United States Attorney, Charlotte, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Charles Edward Coffey pled guilty to conspiracy to possess with intent to distribute cocaine and cocaine base. On appeal, he alleges that the district court erred by failing to inquire into the Government's reasons for declining to file a motion under the U.S. Sentencing Guidelines Manual § 5K1.1 (1998). On the record before this court, we find no promise by the Government to make a § 5K1.1 motion or that the Government declined to do so for an unconstitutional motive. See Wade v. United States, 504 U.S. 181, 185-86 (1992). Accordingly, we affirm Coffey's sentence. We dispense with oral argument because the facts and legal contentions are adequately addressed in the materials before the court and argument would not aid the decisional process.

AFFIRMED