

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 23-6735**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TIMOTHY SEAN COOGLE,

Defendant - Appellant.

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Appeal from the United States District Court for the Southern District of West Virginia, at  
Charleston. John T. Copenhaver, Jr., Senior District Judge. (2:17-cr-00167-1)

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Submitted: January 30, 2024

Decided: February 5, 2024

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Before KING, AGEE, and THACKER, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Timothy Sean Coogle, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Timothy Sean Coogle appeals the district court's order denying his motion requesting that the court return his cell phone to his family's home. Coogle pled guilty to attempted enticement of a minor in 2018. In this appeal, he argues that the court erred in denying his motion for the return of the cell phone because the messages therein would prove his innocence. We need not consider this argument because Coogle did not raise it in the district court. *See In re Under Seal*, 749 F.3d 276, 285 (4th Cir. 2014) (“[A]bsent exceptional circumstances, we do not consider issues raised for the first time on appeal.” (ellipsis and internal quotation marks omitted)). And even if we were to consider Coogle's argument, we would reject it. In his plea agreement, Coogle explicitly agreed to abandon any interest he had in his cell phone. Because Coogle has not demonstrated that his guilty plea was invalid through a successful appeal or collateral attack on his conviction, the district court properly found that Coogle's plea agreement precluded his request for the return of his cell phone. Accordingly, we affirm the district court's order. *United States v. Coogle*, No. 2:17-cr-00167-1 (S.D.W. Va. June 23, 2023). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

*AFFIRMED*