UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-4125

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JAMES AARON HABURN,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of Virginia, at Roanoke. Thomas T. Cullen, District Judge. (7:23-cr-00003-TTC-CKM-1)

Submitted: April 29, 2026 Decided: August 17, 2026

Before KING, QUATTLEBAUM, and RUSHING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

ON BRIEF: Mary E. Maguire, Federal Public Defender, Erin Trodden, Assistant Federal Public Defender, OFFICE OF THE FEDERAL PUBLIC DEFENDER, Charlottesville, Virginia, for Appellant. Robert N. Tracci, Acting United States Attorney, S. Cagle Juhan, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Charlottesville, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Following a bench trial, the district court found James Aaron Haburn guilty of one count of possessing a firearm as a convicted felon in violation of 18 U.S.C. § 922(g)(1). He appeals the district court's denial of his motion to suppress the firearm, which police found on his person after they stopped a vehicle he was riding in as a passenger. He also appeals the district court's calculation of his guidelines imprisonment range using a cross-reference to the sentencing guideline for attempted murder. For the reasons set out below, we affirm.

Starting with the motion to suppress, Haburn argues that police unlawfully extended the traffic stop and that police frisked him without reasonable suspicion that he was armed and dangerous. On the first of these issues, the district court determined that the officers did not unlawfully extend the traffic stop and that, even if they did, they had reasonable suspicion that there was criminal activity afoot involving the vehicle. And on the second issue, the district court determined that, under the totality of the circumstances, the officers had reasonable suspicion to conclude Haburn was armed and dangerous, primarily for three reasons: (1) the vehicle he was riding in matched the description of a vehicle that had recently been involved in a shooting, (2) the police found a bullet on the vehicle's floorboard and (3) the officers were aware Haburn had a previous conviction for a violent felony. Having reviewed the record, we find no reversible error in those determinations.

Moving to the sentencing issue, Haburn argues that the district court's cross-reference to the attempted murder guideline in United States Sentencing Guidelines Manual § 2A2.1 (U.S. Sent'g Comm'n 2024) was inappropriate because the government

did not show that he discharged the weapon with intent to kill. The district court determined otherwise because Haburn shot an individual in the back from a moving vehicle after getting into a fight with that individual earlier in the evening. We find that the district court did not clearly err in making its determination that Haburn acted with the appropriate *mens rea* to support application of the attempted murder cross-reference. *See United States v. Ellis*, 130 F.4th 442, 449–50 (4th Cir. 2025).

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. The district court's judgment is,

AFFIRMED.