

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 05-4852**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

RESHAWN PEAY, a/k/a Anthony Chante Peay,

Defendant - Appellant.

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Appeal from the United States District Court for the District of Maryland, at Baltimore. Richard D. Bennett, District Judge. (CR-05-26)

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Submitted: March 31, 2006

Decided: April 19, 2006

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Before WILKINSON and KING, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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James Wyda, Federal Public Defender, John H. Chun, Assistant Federal Public Defender, Greenbelt, Maryland, for Appellant. Rod J. Rosenstein, United States Attorney, Stephen M. Schenning, Assistant United States Attorney, Baltimore, Maryland, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Reshawn Peay pled guilty to being a felon in possession of a weapon in violation of 18 U.S.C. § 922(g)(1) (2000) and was given a fifteen-year minimum sentence because he was found to be an armed career criminal under 18 U.S.C.A. § 924(e)(1) (West Supp. 2005). On appeal, Peay argues that the district court erred by sentencing him as an armed career criminal in violation of United States v. Booker, 543 U.S. 220 (2005). For the reasons that follow, we affirm.

Peay's argument is foreclosed by two of our recent decisions. See United States v. Thompson, 421 F.3d 278, 282-84 (4th Cir. 2005) (holding that district court may enhance sentence based on fact of prior convictions under § 924(e) regardless of whether admitted by defendant or found by jury), cert. denied, 126 S. Ct. 1463 (2006); United States v. Cheek, 415 F.3d 349, 352-53 (4th Cir.) (holding that the armed career criminal designation, based on prior convictions, does not violate the Sixth Amendment under Booker), cert. denied, 126 S. Ct. 640 (2005).

Accordingly, we affirm Peay's sentence. We dispense with oral argument as the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED