

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 06-5085**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

RON GUPTA,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Gerald Bruce Lee, District Judge. (1:06-cr-00237-GBL)

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Submitted: June 15, 2007

Decided: June 19, 2007

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Before WIDENER, MICHAEL, and KING, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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J. Burkhardt Beale, BOONE BEALE, Woodbridge, Virginia, for Appellant. Chuck Rosenberg, United States Attorney, Anthony E. Mucchetti, Special Assistant United States Attorney, Alexandria, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Ron Gupta appeals from the district court's order affirming the judgment of the magistrate judge convicting him of driving while intoxicated, in violation of 36 C.F.R. § 4.23(a) (2006). On appeal to this court, he argues that the National Park Service officer did not have a reasonable suspicion to stop Gupta's vehicle. He also asserts that there was insufficient evidence of proof beyond a reasonable doubt that he was driving while intoxicated, in part because the district court allegedly impermissibly shifted the burden of persuasion to the defendant.

We have reviewed the proceedings and the parties' briefs and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. United States v. Gupta, No. 1:06-cr-00237-GBL (E.D. Va., filed Sept. 11, 2006 & entered Sept. 13, 2006). We dispense with 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