

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 07-4758**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

KENNETH LEE GARDNER,

Defendant - Appellant.

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Appeal from the United States District Court for the District of Maryland, at Greenbelt. Peter J. Messitte, District Judge. (8:06-cr-00422-PJM)

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Submitted: January 17, 2008

Decided: January 22, 2008

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Before TRAXLER, SHEDD, and DUNCAN, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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James Wyda, Federal Public Defender, Paresh S. Patel, Staff Attorney, Lisa W. Lunt, Assistant Federal Public Defender, Greenbelt, Maryland, for Appellant. Rod J. Rosenstein, United States Attorney, Emily N. Glatfelter, Assistant United States Attorney, Greenbelt, Maryland, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kenneth Lee Gardner pled guilty to possession of a firearm by a convicted felon, 18 U.S.C. § 922(g)(1) (2000), and was sentenced as an armed career criminal to the mandatory minimum term of fifteen years imprisonment under 18 U.S.C.A. § 924(e) (West 2000 & Supp. 2007). Gardner appeals his sentence. We affirm.

Gardner argues that his sentence violates the Sixth Amendment under Blakely v. Washington, 542 U.S. 296 (2004), and United States v. Booker, 543 U.S. 220 (2005), because the predicate convictions were neither admitted by him nor proved to a jury beyond a reasonable doubt. As Gardner concedes, we have rejected this argument in previous decisions. See United States v. Williams, 461 F.3d 441, 452 (4th Cir.), cert. denied, 127 S. Ct. 616 (2006); United States v. Cheek, 415 F.3d 349, 354 (4th Cir. 2005).

We therefore affirm the sentence imposed by the district court. 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