

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-5146

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JERMOL CHIN,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. William D. Quarles, Jr., District Judge. (1:06-cr-00552-WDQ-1)

Submitted: February 12, 2009

Decided: March 9, 2009

Before TRAXLER, GREGORY, and AGEE, Circuit Judges.

Affirmed by unpublished per curiam opinion.

James Wyda, Federal Public Defender, Paresh S. Patel, Staff Attorney, Greenbelt, Maryland, for Appellant. Rod J. Rosenstein, United States Attorney, Debra L. Dwyer, Assistant United States Attorney, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jermol Chin pled guilty to being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1) (2006). The district court determined he had three prior convictions of serious drug offenses for purposes of the Armed Career Criminal Act ("ACCA"), and therefore sentenced Chin to the statutory mandatory minimum sentence of 180 months' imprisonment. 18 U.S.C. § 924(e) (2006). Chin has appealed and contends that due to Blakely v. Washington, 542 U.S. 296 (2004), and United States v. Booker, 543 U.S. 220 (2005), the district court erred in sentencing him under the ACCA based on predicate convictions that were neither admitted by him nor proven to a jury beyond a reasonable doubt. Chin acknowledges that his argument is foreclosed by precedent, but wishes to preserve the issue for further review. See Almendarez-Torres v. United States, 523 U.S. 224 (1998); United States v. Cheek, 415 F.3d 349 (4th Cir. 2005). Accordingly, we affirm the judgment of 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