

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-4866

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RUSSELL A. EAST,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of Virginia, at Harrisonburg. Glen E. Conrad, District Judge. (5:07-cr-00060-gec-jgw-1)

Submitted: March 26, 2009

Decided: April 28, 2009

Before TRAXLER and DUNCAN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Larry W. Shelton, Federal Public Defender, Andrea Harris, Assistant Federal Public Defender, Christine Madeleine Spurell, Research and Writing Attorney, Charlottesville, Virginia, for Appellant. Julia C. Dudley, United States Attorney, Ryan L. Souders, Assistant United States Attorney, Harrisonburg, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Russell A. East was convicted and sentenced to forty-six months in prison after entering a conditional guilty plea to possession of a firearm by a felon, in violation of 18 U.S.C. § 922(g) (2006). East's guilty plea was conditioned on his right to appeal the district court's order denying his motion to suppress the firearm seized by police during the search of his home. On appeal, East challenges only the district court's denial of his motion to suppress. We affirm the district court's judgment.

This court reviews the district court's factual findings underlying a motion to suppress for clear error, and the district court's legal determinations de novo. See United States v. Gray, 491 F.3d 138, 143-44 (4th Cir. 2007) (internal citation omitted), cert. denied, 128 S. Ct. 1226 (2008). When a suppression motion has been denied, we review the evidence in the light most favorable to the Government. See United States v. Uzenski, 434 F.3d 690, 704 (4th Cir. 2006). With these standards in mind, and having reviewed the transcript of the suppression hearing and the parties' briefs, we conclude that the district court did not err in denying East's motion to suppress.

Accordingly, we affirm the district court's judgment. 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