

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-4249

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TERRELL DEVON STEWART,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Durham. James A. Beaty, Jr., Chief District Judge. (1:08-cr-00164-JAB-1)

Submitted: July 24, 2009

Decided: August 3, 2009

Before MOTZ, KING, and AGEE, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Louis C. Allen III, Federal Public Defender, William S. Trivette, Assistant Federal Public Defender, Greensboro, North Carolina, for Appellant. Anna Mills Wagoner, United States Attorney, Paul A. Weinman, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Terrell Devon Stewart pled guilty to possession of a firearm by a convicted felon, 18 U.S.C. §§ 922(g)(1), 924(e) (2006), and was sentenced as an armed career criminal to the statutory minimum sentence of 180 months imprisonment. Stewart appeals his sentence, arguing that he does not qualify for sentencing as an armed career criminal. We affirm.

Stewart asserts that he lacked the required three predicate convictions because his prior conviction for attempted felony common law robbery was not punishable by a term of imprisonment exceeding one year. He concedes correctly that his argument is foreclosed by our decision in United States v. Harp, 406 F.3d 242, 246-47 (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