

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-5151

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

THOMAS EDWARD FIELDS,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. Catherine C. Blake, District Judge. (1:08-cr-00241-CCB-2)

Submitted: October 13, 2010

Decided: October 28, 2010

Before KING and SHEDD, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Thomas J. Saunders, LAW OFFICE OF THOMAS J. SAUNDERS, Baltimore, Maryland, for Appellant. Rod J. Rosenstein, United States Attorney, Christopher J. Romano, Assistant United States Attorney, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Thomas Edward Fields appeals the 188-month sentence imposed following his guilty plea to conspiracy to distribute and possess with intent to distribute 500 grams or more of cocaine in violation of 21 U.S.C. § 846 (2006). We affirm.

On appeal, Fields challenges the district court's consideration of a prior felony conviction when determining his career offender status and criminal history category. However, the sentencing court properly declined to address Fields' challenge to the validity of a prior state felony conviction, as the federal sentencing proceeding was not the appropriate forum for such a challenge. See Custis v. United States, 511 U.S. 485, 496-97 (1994); United States v. Dean, 604 F.3d 169, 174-75 (4th Cir. 2010). Moreover, even if Fields succeeded in invalidating one prior state felony conviction, he had at least two other prior felony convictions qualifying him as a career offender under U.S. Sentencing Guidelines Manual § 4B1.1(a) (2007). United States v. Pettiford, 612 F.3d 270, 276-77 (4th Cir. 2010). Furthermore, the court properly calculated Fields' criminal history category at VI under USSG § 4B1.1(b).

Accordingly, we affirm Fields' sentence. 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