

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-4501

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JUVENILE MALE,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Robert G. Doumar, Senior District Judge. (2:10-cr-00036-RGD-FBS-1)

Submitted: September 23, 2010

Decided: October 13, 2010

Before KING, GREGORY, and DAVIS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Andrew A. Protogyrou, PROTOGYROU & RIGNEY, P.L.C., Norfolk, Virginia, for Appellant. Neil H. MacBride, United States Attorney, William D. Muhr, Richard D. Cooke, Assistant United States Attorneys, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

By way of this interlocutory appeal, Juvenile Male ("J.M."), who was sixteen years old when he was charged as a delinquent,* challenges the district court's order granting the Government's motion to transfer proceedings against a juvenile to adult criminal proceedings. J.M. claims that the Government's certification to proceed under the Juvenile Justice and Delinquency Prevention Act was insufficient because it failed to properly assert that there was a substantial federal interest. He also claims the district court abused its discretion in granting the Government's motion to transfer the case to adult criminal proceedings. Finding no error, we affirm.

We conclude the Government's assertion that there was a substantial federal interest at stake was sufficient. See United States v. T.M., 413 F.3d 420, 424-27 (4th Cir. 2005). We further conclude the district court did not abuse its discretion in granting the Government's motion to transfer the case to adult criminal proceedings. United States v. Juvenile Male, 554 F.3d 456, 460, 468 (4th Cir. 2009). The nature of the charges

* 18 U.S.C. § 5038(e) (2006) provides that "[u]nless a juvenile . . . is prosecuted as an adult neither the name nor picture of any juvenile shall be made public in connection with a juvenile delinquency proceeding."

clearly warranted the transfer. United States v. Robinson, 404 F.3d 850, 858 (4th Cir. 2005). We also conclude the court did not clearly err in finding J.M.'s leadership role in the offense and his response to rehabilitative efforts warranted transfer. See 18 U.S.C. § 5032 (2006).

Accordingly, we affirm the district court's order. 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