

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-4002

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SANDY JAMES OATES,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. William L. Osteen, Jr., Chief District Judge. (1:14-cr-00137-WO-1)

Submitted: August 31, 2015

Decided: October 1, 2015

Before DUNCAN, KEENAN, and HARRIS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Louis C. Allen, Federal Public Defender, John A. Duberstein, Assistant Federal Public Defender, Greensboro, North Carolina, for Appellant. Ripley Rand, United States Attorney, Stephen T. Inman, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Sandy James Oates appeals his sentence after pleading guilty to possession of a firearm by a convicted felon, in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(2) (2012). Finding no error, we affirm.

Oates argues that the district court erroneously applied the kidnapping cross-reference, U.S. Sentencing Guidelines Manual §§ 2K2.1(c)(1)(A), 2X1.1(a), 2A4.1(a), (b)(3) (2013), in determining the advisory Sentencing Guidelines range. Upon review of the record and careful consideration of the parties' arguments on appeal, we conclude that the district court correctly found that Oates possessed a firearm in connection with the commission of a kidnapping under North Carolina law. The district court thus did not err in applying the kidnapping cross-reference. See United States v. Davis, 679 F.3d 177, 182 (4th Cir. 2012).

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 this court and argument would not aid the decisional process.

AFFIRMED