

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-4176

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KENDALL LAMAR SPEARS,

Defendant - Appellant.

Appeal from the United States District Court for the Southern District of West Virginia, at Huntington. Robert C. Chambers, Chief District Judge. (3:14-cr-00129-1)

Submitted: November 9, 2015

Decided: November 17, 2015

Before NIEMEYER and SHEDD, Circuit Judges, and DAVIS, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

A. Courtenay Craig, CRAIG LAW OFFICE, Huntington, West Virginia, for Appellant. R. Booth Goodwin II, United States Attorney, R. Gregory McVey, Assistant United States Attorney, Huntington, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

A federal jury convicted Kendall Lamar Spears of possession with intent to distribute oxymorphone, in violation of 21 U.S.C. § 841(a) (2012). The district court sentenced Spears to 51 months of imprisonment and he now appeals. Finding no error, we affirm.

On appeal, Spears challenges the district court's denial of his motion to suppress the evidence seized during the search of a vehicle in which he was a passenger. "In reviewing a district court's ruling on a motion to suppress, we review the court's factual findings for clear error, and its legal conclusions de novo." United States v. Cain, 524 F.3d 477, 481 (4th Cir. 2008). When the district court denies a defendant's suppression motion, we construe "the evidence in the light most favorable to the government." United States v. Grossman, 400 F.3d 212, 216 (4th Cir. 2005). We have thoroughly reviewed the record and conclude that the district court did not err in denying Spears' motion.

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 in the decisional process.

AFFIRMED