

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-4440

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

OWERRIE DAVON BACON, JR.,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. Catherine C. Eagles, District Judge. (1:15-cr-00401-CCE-1)

Submitted: March 3, 2017

Decided: March 24, 2017

Before KEENAN, DIAZ, and FLOYD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Louis C. Allen, Federal Public Defender, Kathleen A. Gleason, 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Unpublished opinions are not binding precedent in this circuit.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:

Owerrie Bacon pled guilty to being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1) (2012). At sentencing, the district court, upon finding that Bacon reached for a firearm when an officer tried to arrest him, applied a four-level enhancement to Bacon's offense level. See U.S. Sentencing Guidelines Manual § 2K2.1(b)(6)(B) (2015). Bacon's sole argument on appeal is that the district court committed clear error when it determined that Bacon reached for the firearm. We affirm.

We review findings of fact for clear error. United States v. Strieper, 666 F.3d 288, 292 (4th Cir. 2012). In applying the clear error standard, "we . . . will not reverse a lower court's finding of fact simply because we would have decided the case differently. Rather, a reviewing court must ask whether, on the entire evidence, it is left with the definite and firm conviction that a mistake has been committed." Easley v. Cromartie, 532 U.S. 234, 242 (2001) (citation and internal quotation marks omitted). We have reviewed the evidence and are not firmly convinced that the district court clearly erred in finding Bacon reached for the firearm. Accordingly, we affirm the district court's judgment. 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