

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 21-4642

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DERRICK LEE RACER,

Defendant - Appellant.

Appeal from the United States District Court for the Southern District of West Virginia, at Charleston. Joseph R. Goodwin, District Judge. (2:20-cr-00095-1)

Submitted: June 17, 2022

Decided: July 7, 2022

Before HARRIS and RICHARDSON, Circuit Judges, and TRAXLER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

ON BRIEF: Wesley P. Page, Federal Public Defender, Jonathan D. Byrne, Appellate Counsel, Lex A. Coleman, Assistant Federal Public Defender, OFFICE OF THE FEDERAL PUBLIC DEFENDER, Charleston, West Virginia, for Appellant. William S. Thompson, United States Attorney, Kristin F. Scott, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Charleston, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Derrick Lee Racer pleaded guilty to possession of a firearm by a felon, in violation of 18 U.S.C. § 922(g)(1), reserving the right to appeal the district court's order denying his motion to suppress a firearm recovered from his person and inculpatory statements he made when he was stopped on his bicycle for violating a local ordinance. The district court sentenced Racer to 24 months' probation, and he now appeals. On appeal, Racer argues that the officer's questioning whether Racer was armed violated his Fourth Amendment rights.

In reviewing a district court's denial of a motion to suppress, we review legal conclusions de novo and the underlying factual findings for clear error, viewing the evidence in the light most favorable to the Government. *United States v. Cloud*, 994 F.3d 233, 241 (4th Cir. 2021). "A traffic stop constitutes a seizure under the Fourth Amendment and is subject to review for reasonableness." *United States v. Hill*, 852 F.3d 377, 381 (4th Cir. 2017) (internal quotation marks omitted). We evaluate the legality of a traffic stop under the two-pronged inquiry announced in *Terry v. Ohio*, 392 U.S. 1 (1968). *United States v. Williams*, 808 F.3d 238, 245 (4th Cir. 2015). Pursuant to this inquiry, we ask (1) whether the stop was justified at its inception, and (2) "whether the officer's actions during the seizure were reasonably related in scope to the basis for the traffic stop." *Id.* (internal quotation marks omitted). Here, because Racer does not argue that the traffic stop was unjustified at its inception, our analysis is limited to the second question.

We have reviewed the record and the relevant legal authorities and conclude that the district court did not err in denying Racer's suppression motion. As the court

concluded, the officer's question regarding whether Racer was armed was related to officer safety, and it did not prolong the stop or seek to detect criminal activity without reasonable suspicion of such activity. 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