UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-5111

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TYRONE POWELL,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. Benson Everett Legg, Chief District Judge. (1:09-cr-00373-BEL-1)

Submitted: September 10, 2010 Decided: November 1, 2010

Before MOTZ, GREGORY, and AGEE, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Steven H. Levin, Baltimore, Maryland, for Appellant. Rod J. Rosenstein, United States Attorney, Thiruvendran Vignarajah, Kwame J. Manley, Assistant United States Attorneys, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

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PER CURIAM:

Tyrone Powell appeals from his conviction for possession with intent to distribute powder cocaine, in violation of 21 U.S.C. §§ 841(a), 841(b)(1)(C) (2006). Powell filed a motion to suppress evidence found during the search of his vehicle after an investigatory stop, and the district court denied the motion. On appeal, Powell argues the district court erred in denying his motion to suppress the evidence. This court reviews the district court's factual findings underlying a motion to suppress for clear error and its legal conclusions de novo. United States v. Day, 591 F.3d 679, 682 (4th Cir. 2010). We afford the district court's credibility determinations due deference, because "it is the role of the district court to observe witnesses and weigh their credibility during a pre-trial motion to suppress." United States v. Abu Ali, 528 F.3d 210, 232 (4th Cir. 2008) (internal quotation marks omitted), cert. denied, 129 S. Ct. 1312 (2009).

We have carefully reviewed the transcript of the hearing on Powell's motion and we conclude that, taken in the light most favorable to the Government, see United States v. Matthews, 591 F.3d 230, 234 (4th Cir. 2009), petition for cert. filed, __ U.S.L.W. __ (U.S. Apr. 23, 2010) (No. 09-10414), the evidence adduced at the hearing amply supports the district

court's ruling. Accordingly, we affirm the denial of Powell's motion to suppress and affirm the conviction.

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