

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-4026

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DWIGHT LEANDER SOLOMON,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. N. Carlton Tilley, Jr., Senior District Judge. (1:11-cr-00032-NCT-1)

Submitted: July 12, 2012

Decided: August 16, 2012

Before NIEMEYER and FLOYD, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

J. Clark Fischer, RANDOLPH & FISCHER, Winston-Salem, North Carolina, for Appellant. Ripley Rand, United States Attorney, Sandra J. Hairston, Deputy Chief, Criminal Division, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Dwight Leander Solomon entered a conditional guilty plea to possessing ammunition as a convicted felon, reserving the right to challenge on appeal the district court's denial of his motion to suppress. On appeal, Solomon challenges the district court's denial of his motion to suppress fruits of a warrant-based search of his residence, arguing that the warrant was fatally defective. We affirm.

In reviewing a district court's denial of a motion to suppress, we review legal conclusions de novo and factual findings for clear error. United States v. Foster, 634 F.3d 243, 246 (4th Cir. 2011). Even assuming, without deciding, that Solomon is correct in asserting the warrant lacked sufficient basis to support the magistrate's probable cause determination, the district court alternatively held that the evidence obtained during the warrant's execution need not be suppressed under the good-faith exception to the exclusionary rule established in United States v. Leon, 468 U.S. 897 (1984). Because Solomon does not challenge this alternative conclusion on appeal, we conclude that he has waived appellate review of that issue. See United States v. Winfield, 665 F.3d 107, 111 n.4 (4th Cir. 2012) (stating that argument not raised in opening brief is considered waived); see also Fed. R. App. P. 28(a). In any event, even considering this issue on its merits, we conclude without

difficulty that the district court's finding that Leon's good-faith exception applied to the facts presented was well-supported. Thus, Solomon cannot demonstrate that the district court erred by denying the motion to suppress.

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 the court and argument would not aid the decisional process.

AFFIRMED