

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-4620

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

WILLIAM CURTIS HOPE,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of Virginia, at Charlottesville. Norman K. Moon, Senior District Judge. (3:09-cr-00039-nkm-1)

Submitted: November 12, 2010

Decided: January 25, 2011

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

Affirmed by unpublished per curiam opinion.

Larry W. Shelton, Federal Public Defender, Frederick T. Heblich, Jr., Assistant Federal Public Defender, Charlottesville, Virginia, for Appellant. Timothy J. Heaphy, United States Attorney, Nancy S. Healey, Assistant United States Attorney, Charlottesville, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

William Curtis Hope pled guilty to felony eluding, in violation of Va. Code Ann. § 46.2-817(B) (2010), as assimilated by the Assimilative Crimes Act (“ACA”), 18 U.S.C. § 13 (2006). He appeals, claiming that the assimilated state statute was a traffic law already adopted by 36 C.F.R. § 4.2 (2010). Finding no error, we affirm.

This court reviews de novo whether the ACA assimilates a state offense. See United States v. Dotson, 615 F.3d 1162, 1165 (9th Cir. 2010). We conclude there was no error and the Virginia statute was properly assimilated under the ACA. Accordingly, we affirm the court’s judgment. See, e.g., United States v. Fox, 60 F.3d 181, 185 (4th Cir. 1995). 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