

July 25, 2006

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 06-10076  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DAVID VAZQUEZ-JOSE,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 2:05-CR-61-ALL  
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Before SMITH, GARZA and PRADO, Circuit Judges.

PER CURIAM:\*

David Vazquez-Jose (Vazquez) pleaded guilty to transportation of illegal aliens and aiding and abetting and was sentenced to 12 months and one day of imprisonment, three years of supervised release, and a \$100 special assessment.

Vazquez argues on appeal that the Border Patrol agent's stop of the van that he was driving without any reasonable basis to do so violated the Fourth Amendment. However, under the totality of the circumstances and in consideration of the factors set forth in United States v. Brignoni-Ponce, 422 U.S. 873, 884-85 (1975),

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

especially the particular characteristics of the van and the behavior of the van's passengers, the Border Patrol agent's actions were supported by a reasonable suspicion to believe that criminal activity might be afoot. See United States v. Arvizu, 534 U.S. 266, 273 (2002). Accordingly, the district court did not err in denying Vazquez's motion to suppress.

AFFIRMED.