

FILED

November 17, 2004

Charles R. Fulbruge III
Clerk

UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT

No. 04-30079

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

HIRAM GARCIA,

Defendant-Appellant.

Consolidated with

No. 04-30127

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JESSE VITELA,

Defendant-Appellant.

Appeals from the United States District Court
for the Western District of Louisiana
(02-CR-50503-2)

Before BARKSDALE, GARZA, and DeMOSS, Circuit Judges.

PER CURIAM:*

Hiram Garcia and Jesse Vitela pleaded guilty to, and were convicted of, three counts: conspiracy to possess with intent to distribute controlled substances, in violation of 21 U.S.C. § 841(a)(1) and § 846; possession with intent to distribute powdered cocaine, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2; and possession with intent to distribute marijuana, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2. Garcia and Vitela appeal their convictions.

Both contend incriminating evidence was seized during an unconstitutional search of their vehicle. In addition, Vitela maintains: his confession was unconstitutionally coerced because he was detained outside the room in which Garcia was making a statement; and, although Vitela had originally declined to give a statement, this pressured Vitela to give one in order to defend himself against any accusations Garcia might be making.

For essentially the reasons stated by the magistrate judge in his comprehensive and well-reasoned report and recommendation, as adopted by the district court on 25 March 2003, the judgments are

AFFIRMED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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