

November 23, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-50921
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CHRISTOPHER MONTES,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. SA-03-CR-18-ALL

Before HIGGINBOTHAM, JONES and BARKSDALE, Circuit Judges.

PER CURIAM:*

Christopher Montes was convicted, pursuant to his conditional guilty plea, of one charge of possession of five kilograms or more of cocaine with intent to distribute. The district court sentenced Montes to 121 months in prison and a five-year term of supervised release. Montes appeals the district court's denial of his motion to suppress. Montes argues that the district court erred in determining both that the officials' search

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

of his bags did not exceed that of the private parties and that he had abandoned these bags.

Our review of the record shows that the district court did not err in determining that the governmental search of Montes's bags was constitutionally permissible because it did not exceed the search conducted by private individuals. See United States v. Runyan, 275 F.3d 449, 464 (5th Cir. 2001); United States v. Grimes, 244 F.3d 375, 383 (5th Cir. 2001). Because this determination provides a sufficient basis to uphold the district court's denial of Montes's motion to suppress, there is no need to consider the parties' remaining arguments. See United States v. Ibarra-Sanchez, 199 F.3d 753, 758 (5th Cir. 1999). The judgment of the district court is **AFFIRMED**.