

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

September 19, 2003

Charles R. Fulbruge III  
Clerk

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No. 01-50691  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MARTIN CAZARES-MEJIA,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. P-00-CR-420-2  
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Before JONES, BENAVIDES, and CLEMENT, Circuit Judges.

PER CURIAM:\*

Martin Cazares-Mejia ("Cazares") pleaded guilty to possession with intent to distribute 50 kilograms or more, but less than 100 kilograms of marijuana. 21 U.S.C. § 841(a)(1); 18 U.S.C. § 2. He appeals the district court's denial of his motion to suppress his post-detention statements and the marijuana found in the vehicle in which he was a passenger. Fidencio Sanchez-Pena, the driver of the vehicle and a

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

codefendant, filed a similar motion to suppress. This court has already upheld the district court's denial of Sanchez's motion to suppress the marijuana, rejecting the same arguments raised herein by Cazares. See United States v. Sanchez-Pena, No. 01-50736 (5th Cir. June 27, 2003)(copy at green tab). Under the law-of-the-case doctrine, Cazares' arguments challenging the extended detention must be rejected. See United States v. Becerra, 155 F.3d 740, 752-53 (5th Cir. 1998). Cazares' argument that his post-detention statements must be suppressed as "fruit of the poisonous tree" is yet another challenge to the extended detention and is therefore unavailing. See Wong Sun v. United States, 371 U.S. 471, 485-88 (1963).

AFFIRMED.