

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-50549
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ROBERTO CARLOS SANCHEZ-GARCIA,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. P-96-CR-104-1

- - - - -
August 20, 1998

Before KING, HIGGINBOTHAM, and JONES, Circuit Judges.

PER CURIAM:*

Roberto Carlos Sanchez-Garcia appeals his conviction and sentence for importation and possession with intent to distribute marijuana. He contends that the district court erred in denying his motion to suppress because the border patrol agent at the checkpoint lacked probable cause to search his vehicle. The agent acted in compliance with the Fourth Amendment when he questioned Sanchez and referred him to the secondary inspection area for a canine "sniff." See United States v. Hernandez, 976 F.2d 929, 930 (5th Cir. 1992). Once the canine alerted, the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

agent had probable cause to search the vehicle, at which point the agent legally discovered marijuana secreted under the hood of the car. Id. The district court did not err in denying Sanchez's motion to suppress. Id.

AFFIRMED.