

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 99-41346
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

SAMUEL TREVINO,

Defendant-

Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. L-99-CR-536-1

July 25, 2000

Before EMILIO M. GARZA, DeMOSS and STEWART, Circuit Judges.

PER CURIAM:*

Samuel Trevino appeals the district court's denial of his motion to suppress. He argues that the checkpoint operated by the Border Patrol was constitutionally inadequate. The checkpoint at issue here is substantially similar to one that passed constitutional muster in United States v. Venegas-Sapien, 762 F.2d 417 (5th Cir. 1985). Trevino has not shown, and we cannot discern, any material differences between the two checkpoints. Consequently, Trevino has failed to demonstrate error on the part of the district court, and that court's denial of Trevino's motion to suppress is **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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.