

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-40290
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ERICK BROOKS,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 9:00-CR-24-2

November 7, 2001

Before GARWOOD, JONES, and STEWART, Circuit Judges.

PER CURIAM:*

Erick Brooks appeals the district court's denial of his motion to suppress evidence (narcotics and incriminating statements) obtained during a warrantless search of the car rented by Brooks and in which he was a passenger. He contends that the driver committed no traffic violation justifying the stop by the police. He contends that the search of the car exceeded the permissible

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 R. 47.5 the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

scope of a traffic stop.

Brooks has not shown that the district court clearly erred in finding that the initial stop was justified, based on the officer's testimony that the car was being operated "erratically" and in an "unsafe manner." Further, Brooks has not shown that, viewing the evidence in the reasonable light most favorable to the government, the prevailing party below, there is any error in the district court's determination that the subsequent detention was brief and did not exceed the reason for the valid stop. See *United States v. Kelley*, 981 F.2d 1464, 1467 (5th Cir. 1993) (analyzing traffic stop under "reasonable suspicion" warrantless search exception articulated in *Terry v. Ohio*, 392 U.S. 1 (1968)). Because the officer asked and received voluntary consent to search the vehicle during the scope of the valid traffic stop, *United States v. Dortch*, 199 F.3d 193 (5th Cir. 1999), and *United States v. Jones*, 234 F.3d 234 (5th Cir. 2000), are inapposite.

AFFIRMED.