

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-50018
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

PEDRO OLIVAS-VILLA,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. P-00-CR-68-1-F

- - - - -
September 17, 2001

Before JOLLY, BARKSDALE and DeMOSS, Circuit Judges.

PER CURIAM:*

Pedro Olivas-Villa appeals his conditional guilty-plea conviction for possession with intent to distribute marijuana. He argues that the district court erred in denying his motion to suppress the evidence obtained from a roving border patrol stop.

A border patrol agent conducting a roving patrol may make a temporary investigative stop of a vehicle if the agent is aware of specific articulable facts, together with rational inferences from those facts, that reasonably warrant suspicion that 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

vehicle's occupant is engaged in criminal activity. See United States v. Brignoni-Ponce, 422 U.S. 873, 884 (1975); United States v. Cortez, 449 U.S. 411, 417-18 (1981). Because Olivas did not object to the magistrate judge's report and recommendation that the motion to suppress be denied, this court reviews the decision for "plain error" only. See United States v. Francis, 183 F.3d 450, 452 (5th Cir. 1999). Consideration of the relevant factors, viewed in the totality of the circumstances and in the light most favorable to the Government, indicates that the district court committed no error, plain or otherwise, in concluding that there was reasonable suspicion for the stop. See United States v. Inocencio, 40 F.3d 716, 721-22 (5th Cir. 1994). The district court did not err in denying Olivas-Villa's motion to suppress.

AFFIRMED.