

August 15, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-11097
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CHRISTOPHER JON FULLER,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:02-CR-42-1-Y

Before JONES, BENAVIDES, and CLEMENT, Circuit Judges.

PER CURIAM:*

Having entered a conditional guilty plea to fraud in connection with a counterfeit access device, Christofer Jon Fuller appeals the district court's denial of his motion to suppress evidence seized during a search of Fuller's apartment. Fuller does not dispute that the search was based on probable cause, but he argues that the evidence should be suppressed because the warrant authorizing the search was not signed by a magistrate.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

The evidence at the suppression hearing shows that the magistrate judge found probable cause to search Fuller's apartment; that he did not sign the warrant form due to an inadvertent error; and that the officer who searched Fuller's apartment believed that he had a valid warrant authorizing the search. Consequently, we AFFIRM the denial of Fuller's motion to suppress. See United States v. Kelley, 140 F.3d 596, 601-04 (5th Cir. 1998); United States v. Shugart, 117 F.3d 838, 844 (5th Cir. 1997).

AFFIRMED.