

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 02-30466  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JESSE JAMES SMITH,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Eastern District of Louisiana  
USDC No. 00-CR-339-1-J

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February 19, 2003

Before WIENER, EMILIO M. GARZA, and CLEMENT, Circuit Judges.

PER CURIAM:\*

Jesse James Smith entered a conditional guilty plea to possession with intent to distribute cocaine hydrochloride. He seeks, as his sole issue on appeal, to have this court re-examine its prior determination on interlocutory appeal in United States v. Smith, 273 F.3d 629 (5th Cir. 2001), that there was reasonable suspicion to support the search of his cruise-ship cabin. Review of this issue is precluded under the law-of-the-case doctrine, and we will not reexamine it. See United States v. Becerra, 155 F.3d 740, 752-53 (5th Cir. 1998).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

This appeal is without arguable merit and is thus frivolous. Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Because the appeal is frivolous, it is DISMISSED. 5TH CIR. R. 42.2.

APPEAL DISMISSED.