

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-40643
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

TIMOTHY AUBRY,

Defendant-Appellant.

Appeals from the United States District Court
for the Eastern District of Texas
USDC No. 1:01-CR-30-3

December 24, 2002

Before JONES, STEWART, and DENNIS, Circuit Judges.

PER CURIAM:*

Timothy Aubry entered a conditional guilty plea to conspiracy to possess with intent to distribute more than 50 grams of cocaine base and marijuana. Aubry appeals the district court's denial of his motion to suppress the evidence seized following a traffic stop and detention in which Aubry was a passenger in the stopped car.

A passenger in a car, like Aubry, has standing to challenge the seizure of his own person. See United States v. Roberson, 6 F.3d 1088, 1091 (5th Cir. 1993). Here that seizure was legal. 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

initial stop for driving left of the center line was a valid traffic stop under Louisiana law. See LA. REV. STAT. ANN. 32:71 (West 2002); United States v. Shabazz, 993 F.2d 431, 434 (5th Cir. 1993). Then the officers had sufficient reasonable suspicion that the driver was involved in drug-trafficking activity to justify extending the detention of Aubry and the other occupants of the vehicle beyond the initial traffic violation. See United States v. Jones, 234 F.3d 234, 241 (5th Cir. 2000).

Because Aubry was merely a passenger and not the owner, the renter, or an authorized driver of the rental vehicle, he did not have standing to challenge the subsequent search of the vehicle. See United States v. Riazco, 91 F.3d 752, 754-55 (5th Cir. 1996); Roberson, 6 F.3d at 1091.

Accordingly, Aubry has not shown that the district court erred in denying his motion to suppress evidence collected during the stop.

AFFIRMED.