

May 14, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-50307
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOHN THOMAS STEWART BUSH,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. P-01-CR-243-1

Before HIGGINBOTHAM, SMITH, and CLEMENT, Circuit Judges.

PER CURIAM:*

John Thomas Stewart Bush pleaded guilty to count one of an indictment charging him with possession with intent to distribute 500 grams or more of cocaine. In pleading guilty, Bush reserved the right to appeal the district court's order denying his motion to suppress.

A dog at the Sierra Blanca immigration checkpoint alerted to a bag stowed in the luggage compartment of a bus in which Bush was a passenger. Bush contends that Border Patrol agents

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

conducted a search in violation of the Fourth Amendment when, without individualized suspicion or probable cause, they required Bush to present his luggage claim ticket for inspection in order to determine whether Bush was the owner of the bag. Bush contends that the agents unconstitutionally extended Bush's detention without individualized reasonable suspicion. Bush's argument is foreclosed by this court's opinion in United States v. Outlaw, 319 F.3d 701, 704 (5th Cir. 2003). The judgment is

AFFIRMED.