

FILED

April 28, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-51050
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

KEVIN MARK MCQUISTION,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. MO-03-CR-52-1

Before REAVLEY, JOLLY and DENNIS, Circuit Judges.

PER CURIAM:*

Kevin Mark McQuistion appeals from his conditional guilty-plea conviction for conspiracy to manufacture methamphetamine. McQuistion argues that the district court erred in denying his motion to suppress evidence found in a refrigerator and microwave located on the premises of the Basin Welding Supply Company. The record shows that Charles Joyce, an owner of the Basin Welding Supply Company, had common authority to consent to the police search. See United States v. Shelton, 337 F.3d 529, 531-32 (5th

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Cir. 2003), petition for cert. filed, 72 U.S.L.W. 3393 (U.S. Nov. 24, 2003) (No. 03-781). As a result, the district court correctly denied McQuiston's motion to suppress evidence.

AFFIRMED.