

**FILED**

December 3, 2003

Charles R. Fulbruge III  
Clerk

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

---

No. 03-60377  
Summary Calendar

---

UNITED STATES OF AMERICA,

Plaintiff-

Appellee,

versus

ELIZAH CLARK, also known as Elijah Clark,

Defendant-

Appellant.

-----  
Appeal from the United States District Court  
for the Southern District of Mississippi  
USDC No. 5:02-CR-19-1-BrS  
-----

Before SMITH, DEMOSS and STEWART, Circuit Judges.

PER CURIAM:\*

Elizah Clark appeals his conditional guilty-plea conviction for possession of a firearm by a convicted felon. He argues that the district court erred in denying his motion to suppress evidence obtained during a search incident to a traffic stop. He argues that because the officer did not have probable cause for the stop, the subsequent search and seizure of evidence were illegal.

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Our review of the record and the parties' arguments convinces us that the district court did not err in denying the motion to suppress. United States v. Orozco, 191 F.3d 578, 581 (5th Cir. 1999). The officer testified that he stopped Clark's vehicle on the basis of a perceived traffic violation, i.e., improper windshield tinting, creating sufficient probable cause to support the initial stop. Whren v. United States, 517 U.S. 806, 810 (1996); Terry v. Ohio, 392 U.S. 1, 21 (1968).

Moreover, Clark does not contend that his continued detention following the determination that he was operating the vehicle without a driver's license was improper. Nor does he dispute the district court's finding that he consented to a search of his vehicle. Accordingly, the judgment of the district court is AFFIRMED.