United States Court of Appeals
Fifth Circuit

F I L E D

October 7, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

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No. 04-50260
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RIGOBERTO LAIJA-GARCIA,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. EP-03-CR-1462-ALL

Before WIENER, BENAVIDES, and STEWART, Circuit Judges.

PER CURIAM:[*]

Rigoberto Laija-Garcia appeals his guilty-plea conviction of conspiracy to possess with intent to distribute a controlled substance, i.e., more than 100 kilograms of marijuana, and making a false statement. Laija-Garcia argues that the district court erred in denying his motion to suppress evidence seized after the stop of his car by a Border Patrol agent.

Laija-Garcia was stopped at approximately 1:00 a.m. by an experienced Border Patrol agent who observed him driving slowly

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

near the border in an area frequented by drug traffickers on a
dead-end road typically used only by ranchers during daylight
hours. The agent testified that, when he shone a flashlight on
Laija-Garcia, Laija-Garcia's eyes opened wide, he turned his body
away, and he accelerated past the agent towards the dead end.
Additionally, the agent was aware that, on at least two recent
occasions, drug smugglers had successfully imported drugs through
the same area, and the stop occurred soon after a sensor alarm
had sounded and near four large bundles of marijuana.

Thus, the totality of the circumstances indicates that the
Border Patrol agent had reasonable suspicion supported by
articulable facts that criminal activity was afoot. See United
States v. Neufeld-Neufeld, 338 F.3d 374, 378-80 (5th Cir. 2003).
Accordingly, the judgment of the district court is AFFIRMED.