

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

United States Court of Appeals
Fifth Circuit

FILED

September 23, 2013

Lyle W. Cayce
Clerk

No. 12-50956
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MARTIN MINJAREZ, also known as Martin Munoz Minjarez,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 7:12-CR-128-1

Before JOLLY, SMITH, AND CLEMENT, Circuit Judges.

PER CURIAM:*

Martin Minjarez entered a conditional guilty plea to possession with intent to distribute heroin within 1000 feet of a school property, reserving his right to appeal the district court's denial of his motion to suppress evidence. On appeal, he contends that the affidavit supporting the search warrant of his home was insufficient because it did not establish that the confidential informant was credible and reliable and because the information included in the affidavit was stale.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 12-50956

The Government counters that, even if the affidavit were insufficient, the district court held in the alternative that the good faith exception to the exclusionary rule applies. In his appellate brief, Minjarez expressly does not assert that the district court erred in determining alternatively that the good faith exception applied. By not briefing any challenge to the district court's alternative holding, Minjarez has abandoned that contention. *See United States v. Thibodeaux*, 211 F.3d 910, 912 (5th Cir. 2000); *see also United States v. Mitchell*, 334 F. App'x 665, 665-66 (5th Cir. 2009) (holding that appellant abandoned, by failing to brief, any argument challenging the district court's alternative holding that the good faith exception to the exclusionary rule applied). Consequently, the judgment of the district court is **AFFIRMED**.