

UNITED STATES COURT OF APPEALS
for the Fifth Circuit

No. 92-3596
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

VERSUS

JEFFERY M. ANKRUM,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Louisiana
CR 91 481 A

March 29, 1993

Before KING, DAVIS and WIENER, Circuit Judges.

PER CURIAM:¹

This appeal is back before us following our remand to the district court for additional findings. We have now received the detailed findings and conclusions of the district court and affirm its order denying Ankrum's motion to suppress.

We described the facts surrounding the search at issue here in our earlier opinion. In summary, two Jefferson Parish sheriff's deputies stationed at the New Orleans International Airport became

¹Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

suspicious of Ankrum as he departed a flight from Houston. Officers Davis and Juncker approached Ankrum, identified themselves and asked to speak with him. When the police officers' suspicions were further aroused, they asked Ankrum for permission to search his hand luggage. The district court's finding that Ankrum consented to this search is supported by the record. Officer Davis then asked Ankrum to accompany him into the men's room from the airport lobby so that the officer could search Ankrum's person. The district court's finding that Ankrum agreed to this request is also supported by the record. When Officer Davis and Ankrum got in the men's room Officer Davis began a pat down search. He almost immediately discovered a bulge above Ankrum's groin area. When the officer touched the bulge, Ankrum spun around and started hitting Davis. A struggle ensued, after which Officer Davis and others succeeded in subduing Ankrum and preventing him from flushing the hidden cocaine down the toilet. The district court's conclusion that the officers were justified in arresting and seizing Ankrum after he assaulted officer Davis is clearly correct.

The findings of the district court are amply supported by the record and its legal conclusions are correct. Accordingly, we affirm its order denying the motion to suppress.

AFFIRMED.