

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 92-3693  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ALLEN MAVOR,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Eastern District of Louisiana  
(CR-92-123-D)

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(February 5, 1993)

Before GARWOOD, JONES, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:\*

Appellant Mavor, having been sentenced to sixty months imprisonment for receiving cocaine concealed inside a motorcycle shock absorber that was shipped from Curacao, Lesser Antilles, to Bridge City, Louisiana, challenges the district court's denial of his suppression motion. We find no error and affirm.

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\* Local 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

Mavor pled guilty on condition of appealing the suppression issue. Mavor principally argues that the customs inspector's search, which discovered the cocaine by drilling a small hole in a shock absorber, was an "extended border search", which can be justified only on a "reasonable suspicion" of criminal activity. United States v. Richards, 638 F.2d 765, 772 (5th Cir. 1981). Richards, however, articulated a reasonable suspicion test in a case in which the search occurred after delivery of the mail to its addressee, a situation factually distinguishable from the present case. Here, the district court found that the search occurred at the "first practical point to search for either cargo or personnel" and thus was "equivalent to a border search." We agree with the district court's factual finding.

In United States v. Ramsey, 431 U.S. 606, 609-16, 97 S. Ct. 1972 (1977), the Supreme Court held that an airport where international flights land is the functional equivalent of an international border, 97 S. Ct. 1975 n.2, and a border search may be conducted at such locations without a warrant or probable cause. Testimony at the suppression hearing showed that the package destined for Mavor's cycle shop arrived on a direct flight from Curacao to Miami International Airport and was immediately taken to a customs enclosure for inspection before entering the United States. The customs inspector testified that the bag containing the package of motorcycle shock absorbers had been sealed in the Lesser Antilles, and the seal was not broken until the bag was placed in front of him for inspection. Based on such facts, the

district court was not clearly erroneous in concluding that the customs search was conducted at the first practical point to search cargo after it entered the United States and was therefore equivalent to a border search. This court has previously held that Miami International Airport is the functional equivalent of the border. United States v. Ramos, 645 F.2d 318, 320 (5th Cir. 1982). Further, the general aviation center customs enclosure was the earliest practicable stopping point at which the shock absorbers and similar cargo could be examined after they were brought into the United States. United States v. Hill, 939 F.2d 934, 937 (11th Cir. 1991).

Mavor's argument that a reasonable suspicion was required for this search collapses because it was conducted at the functional equivalent of the border, see Ramsey and United States v. Niver, 689 F.2d 520, 526 (5th Cir. 1982), rather than at an "extended border."

Because there is no limit to the conduct of a border search, the drilling of a small hole in the shock absorber was not constitutionally unreasonable. See, e.g., United States v. Glasser, 750 F.2d 1197 (3d Cir. 1984). Thus, Mavor's subsidiary issue about the reasonableness of the drilling of a hole in the property also lacks merit.

The district court's order denying the suppression motion and the conviction based thereon, are AFFIRMED.