

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-8160
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RAMON VALDEZ,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. 91-CR-262(H)
- - - - -

March 17, 1993

Before KING, HIGGINBOTHAM, and DAVIS, Circuit Judges.

PER CURIAM:*

The district court denied Ramon Valdez's motion to suppress on the ground that the search of Valdez's residence was lawful and that the firearm seized was admissible under the "plain view" doctrine.

When reviewing a district court's suppression ruling, this Court must accept the trial judge's factual findings "unless the findings are clearly erroneous or influenced by an incorrect view of the law." United States v. Lanford, 838 F.2d 1351, 1354 (5th

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

Cir. 1988). The evidence must be viewed in the light most favorable to the party prevailing below, except where such a view is inconsistent with the trial court's findings or is clearly erroneous when the evidence as a whole is considered. Id.

Probable cause is required to invoke the "plain view" doctrine. Arizona v. Hicks, 480 U.S. 321, 327, 107 S.Ct. 1149, 94 L.Ed.2d 347, 355 (1987). Based on the fact that Castro knew that Valdez was a convicted felon and that the gun was located in a closet containing clothing belonging to Valdez, Castro had probable cause to believe that the gun was evidence of a crime. See Lanford, 838 F.2d at 1354. Accordingly, the district court's denial of the motion to suppress is not error; therefore, the denial of the motion to suppress is AFFIRMED.