

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-11284  
Summary Calendar

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UNITED STATES OF AMERICA,

Defendant-Appellee,

versus

RODNEY EUGENE GALGIANI,

Plaintiff-Appellant.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:96-CR-030-Y  
- - - - -

June 16, 1997

Before DAVIS, EMILIO M. GARZA and STEWART, Circuit Judges.

PER CURIAM:\*

Rodney Eugene Galgiani argues that the district court erred in denying his motion to suppress evidence taken from his person as a result of a nonconsensual search and an unconstitutional seizure.

In reviewing the district court's ruling on a motion to suppress, we consider the evidence in the light most favorable to the prevailing party, accepting factual findings unless clearly

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

erroneous and reviewing questions of law de novo. See United States v. Shannon, 21 F.3d 77, 81 (5th Cir. 1994). When the district court enters no factual findings and no indication of the legal theory underlying its decision to deny a motion to suppress, we independently review the record to determine whether any reasonable view of the evidence supports admissibility. See United States v. Yeagin, 927 F.2d 798, 800 (5th Cir. 1991).

After reviewing the record before us, we conclude the district court's determination that Galgiani gave valid consent to search his bag and his person was not clearly erroneous. See United States v. Olivier-Becerril, 861 F.2d 424, 426 (5th Cir. 1988); see also United States v. Sutton, 850 F.2d 1083, 1086 (5th Cir. 1988). Further, although Galgiani's confrontation with a DEA task force officer amounted to a seizure once the officer asked to search his bag, the fruits of such were admissible because the seizure was based on reasonable suspicion. See United States v. Simmons, 918 F.2d 476, 481 (5th Cir. 1990); see also Terry v. Ohio, 392 U.S. 1, 21 (1968).

AFFIRMED.