

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-40659
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

NDUBUIZU M. MBADIWE,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6-95-CR-58-1
- - - - -

February 24, 1997

Before JONES, DeMOSS and PARKER, Circuit Judges.

PER CURIAM:*

Ndubuizu M. Mbadiwe appeals his conviction and sentence for possession of cocaine with the intent to distribute. He argues that the district court should have granted his motion to suppress evidence. Mbadiwe argues that the district court erred by denying his motion to suppress the cocaine that was discovered during a search of his car because: 1) his detention exceeded the scope of the traffic stop, making the delay unreasonable;

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

2) his consent to search was not voluntarily given; and 3) the search was illegal because it was conducted without a warrant. Viewing the evidence in the light most favorable to the Government, the district court did not err by denying Mbadiwe's motion to suppress evidence. See United States v. Ponce, 8 F.3d 989, 995 (5th Cir. 1993).

AFFIRMED.