

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-40624
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GERARDO GARZA,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. M-97-CR-20-1
- - - - -

May 13, 1998

Before JONES, SMITH, and STEWART, Circuit Judges.

PER CURIAM:*

Gerardo Garza entered a conditional guilty plea to one count of possession of marijuana with intent to distribute. 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B); 18 U.S.C. § 2. He appeals his conviction, challenging the district court's denial of his motion to suppress the marijuana found in his vehicle at the time of his arrest. He argues that the Border Patrol did not have a reasonable suspicion of illegal activity when they stopped his

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

vehicle and, hence, that their subsequent search violated his Fourth Amendment rights.

The totality of the circumstances shows that, prior to stopping Garza's vehicle, the Border Patrol was aware of specific articulable facts, together with rational inferences from those facts, that reasonably warranted suspicion that Garza's truck was involved in illegal activities. See United States v. Brignoni-Ponce, 422 U.S. 873, 884 (1975); United States v. Inocencio, 40 F.3d 716, 722 (5th Cir. 1994).

AFFIRMED.