

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-50651  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

FERNANDO GARCIA, JR.,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. DR-96-CR-68-1  
- - - - -

December 15, 1998

Before HIGGINBOTHAM, JONES, and DENNIS, Circuit Judges.

PER CURIAM:\*

Fernando Garcia, Jr., was convicted at a bench trial of conspiracy to possess with intent to distribute marijuana, possession with intent to distribute marijuana, conspiracy to import marijuana, importing marijuana, and carrying a firearm during and in relation to a drug trafficking crime. He appeals his conviction, challenging the district court's denial of his motions to suppress the physical evidence found at the time of his arrest and to suppress his confession. Specifically, Garcia contends that he was subjected to an investigatory detention in

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

violation of his Fourth Amendment rights because Border Patrol Agents had no reasonable suspicion of illegal activity when they stopped his vehicle.

The totality of the circumstances shows that, prior to stopping Garcia's vehicle, the Border Patrol was aware of specific articulable facts, together with rational inferences from those facts, that reasonably warranted suspicion that Garcia's truck was involved in illegal activities. See United States v. Brignoni-Ponce, 422 U.S. 873, 884 (1975). The district court did not err in denying Garcia's motion to suppress.

AFFIRMED.