

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 98-50094  
Summary Calendar

---

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MARTHA ELENA DE LA ROSA-VALENZUELA,

Defendant-Appellant.

---

Appeal from the United States District Court for the  
Western District of Texas  
USDC No. P-97-CR-151-1

---

December 31, 1998

Before JOLLY, SMITH, and WIENER, Circuit Judges.

PER CURIAM:\*

Martha Elena De La Rosa-Valenzuela appeals from the district court's denial of her motion to suppress the marijuana seized from her vehicle. She argues that a Border Patrol agent's tapping of her vehicle's gas tank constituted a search under the Fourth Amendment and that such search was illegal because it was without consent or probable cause. We have reviewed the record and find no reversible error. See United States v. Muniz-Melchor, 894 F.2d 1430, 1435-37 (5th Cir. 1990). Accordingly, the judgment of the district court is

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

A F F I R M E D.