

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-50015
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOAQUIN AMBROSIO MARTINEZ,
also known as Joaquin Abriosio Martinez,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. W-98-CR-73-All

August 26, 1999

Before KING, Chief Judge, EMILIO M. GARZA and STEWART, Circuit Judges.

PER CURIAM:*

Joaquin Ambrosio Martinez appeals the district court's denial of his motion to suppress evidence, two firearms, seized during two warrantless searches of his home. The district court ruled that exigent circumstances justified the searches.

Martinez argues that the first search, in which a law enforcement officer retrieved a firearm from the living room floor of Martinez' home, was unconstitutional. Martinez has not shown that the district court clearly erred by finding that exigent circumstances justified the search of Martinez' living room. See United States v. Morales, 171 F.3d 978, 982 (5th Cir. 1999); United States v. Rico, 51 F.3d 495, 501 (5th Cir. 1995).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Martinez also argues that the second search, in which his entire house was searched, was unconstitutional because no exigent circumstances existed. The district court found also that Martinez consented, without threat or coercion, to this search, and Martinez has not shown the district court clearly erred in doing so. See United States v. Gonzalez, 79 F.3d 413, 421 (5th Cir. 1996); see also United States v. Tello, 9 F.3d 1119, 1128 (5th Cir. 1993) (court of appeals may affirm district court on any valid ground supported by the record).

The district court's denial of the motion to suppress is
AFFIRMED.