

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-20186

Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ANTONIO ISAURO CORTEZ,

Defendant-Appellant.

Appeal from the United States District Court
For the Southern District of Texas
U.S.D.C. No. H-00-CR-650-ALL

August 26, 2002

Before HIGGINBOTHAM, SMITH, and CLEMENT, Circuit Judges.

PER CURIAM:*

Antonio Isauro Cortez was convicted for possession of more than five kilograms of cocaine with intent to distribute. He argues that the district court erred in denying his pretrial motion to suppress evidence recovered by officers during a search of his suitcase. In considering a ruling on a motion to suppress, we review questions of law *de novo* and factual findings for clear

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

error.¹

Cortez concedes that he gave police officers permission to inspect his suitcase, but asserts that his consent was not voluntary because he was not informed that he could refuse to consent. This argument is foreclosed by the Supreme Court's recent decision in *United States v. Drayton*.² The district court did not err in denying his motion to suppress.

AFFIRMED.

¹ *United States v. Dortch*, 199 F.3d 193, 197 (5th Cir. 1999).

² 122 S. Ct. 2105, 2113-14 (2002); see also *Ohio v. Robinette*, 519 U.S. 33, 39-40 (1996).