

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

May 2, 2023

Lyle W. Cayce  
Clerk

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No. 21-30769

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UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

DERRICK FELTON,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 6:18-CR-185

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Before ELROD, HO, and WILSON, *Circuit Judges.*

PER CURIAM:\*

Derrick Felton appeals the denial of his motion to suppress narcotics evidence. Felton and his co-defendant, Alfonzo Johnlouis, argued that this evidence had been seized in violation of the Fourth Amendment following an illegal search of a parcel by a United States Postal Service letter carrier.

In co-defendant Johnlouis's case, our court upheld the denial of the motion to suppress because we determined that the letter carrier was "not a

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\* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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government actor to whom the Fourth Amendment applies.” *United States v. Johnlouis*, 44 F.4th 331, 337 (5th Cir. 2022), *cert. denied*, 143 S. Ct. 834 (2023).

We are bound by the determination in *Johnlouis* that the letter carrier was not acting as an agent of the government when she inspected the package at issue.<sup>1</sup> Thus, the district court did not err in finding that the letter carrier’s actions did not violate the Fourth Amendment. The judgment of the district court is AFFIRMED.

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<sup>1</sup> Felton and his co-defendant both abandoned the argument that the letter carrier was a private person acting in the capacity of a government agent.