

September 24, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-50099
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RONALD JAMES GOLDBERG,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. EP-02-CR-1361-ALL-DB

Before DUHÉ, BENAVIDES, and STEWART, Circuit Judges.

PER CURIAM:¹

Ronald Goldberg entered a conditional guilty plea to possession with intent to distribute marijuana. He appeals the district court's denial of his motion to suppress the marijuana and argues that the totality of the circumstances did not indicate that he had committed or was committing an offense at the time of his arrest and that the marijuana, which was in plain view in the back

¹ 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

seat of his vehicle, was improperly seized because the stop and detention were illegal.

Our review of the record reveals that the federal agents reasonably believed from the totality of circumstances that Goldberg was conducting a drug transaction and that probable cause existed for the arrest. See United States v. Garcia, 179 F.3d 265, 268-70 (5th Cir. 1999). The marijuana was properly seized. See Texas v. Brown, 460 U.S. 730, 740 (1983); United States v. Wilson, 36 F.3d 1298, 1306 (5th Cir. 1994). The district court's denial of the motion to suppress was correct.

AFFIRMED.