

May 8, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 06-50780
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ARMANDO GERARDO BENAVIDES,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 6:05-CR-163

Before DAVIS, BARKSDALE and BENAVIDES, Circuit Judges.

PER CURIAM:*

Following a bench trial on stipulated evidence, Armando Gerardo Benavides was convicted of possession with intent to distribute at least five kilograms of cocaine. Benavides appeals the district court's denial of his motion to suppress. He argues that his detention was impermissibly extended and that he did not voluntarily consent to the search of his tractor-trailer.

Our review of the record shows that the district court did not err in determining that the initial stop of Benavides's vehicle was permissibly extended based on reasonable suspicion of

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

other criminal activity. See United States v. Brigham, 382 F.3d 500, 506-07 (5th Cir. 2004). The district court also did not err in determining that Benavides voluntarily consented to the search of his vehicle. See United States v. Solis, 299 F.3d 420, 435-37 (5th Cir. 2002). Benavides has not shown that the district court erred in denying his motion to suppress.

AFFIRMED.