

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-7507

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

JUAN MANUEL QUINTANILLA,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
(L-92-CR-279-1)

(September 1, 1994)

Before KING and BENAVIDES, Circuit Judges, and LAKE*, District
Judge.

PER CURIAM:**

We conclude that (i) Border Patrol agent Barch had
reasonable suspicion to stop the defendant-appellant Juan
Quintanilla; (ii) the defendant consented to the inspection by
the Border Patrol agent of his truck; and (iii) probable cause

*District Judge of the Southern District of Texas sitting by
designation.

**Local Rule 47.5 provides: "The publication of opinions
that have no precedential value and merely decide particular
cases on the basis of well-settled principles of law imposes
needless expense on the public and burdens on the legal
profession." Pursuant to that Rule, the court has determined
that this opinion should not be published.

existed thereafter to arrest the defendant. Law enforcement officers on roving patrols may stop vehicles only if they are aware of specific articulable facts, together with rational inferences from those facts, that reasonably warrant suspicion that the vehicle is engaged in criminal activity. See U.S. v. Brignoni-Ponce, 422 U.S. 873, 884 (1975). Proximity to the border is not a controlling Brignoni factor if, as here, other articulable facts give rise to reasonable suspicion. The district court's supporting fact findings are not clearly erroneous, and its legal conclusion that the stop and subsequent arrest of the defendant did not violate the Fourth Amendment is correct.

AFFIRMED.