

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-40854
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CHRISTOPHER A. WELLS,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:94-CR-57-3
- - - - -

April 24, 1996

Before DAVIS, BARKSDALE, and DeMOSS, Circuit Judges.

PER CURIAM:*

Christopher A. Wells appeals the district court's denial of his motion to suppress evidence seized during the search of his apartment. He contends that the search of his apartment was conducted without sufficient consent and alternatively, that the seizure of the evidence, pursuant to the plain-view doctrine, was not appropriate because the agents were not lawfully within his apartment and certain items seized were not obvious evidence of a crime. The district court's findings that the consent provided

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

for the search was valid, that the officers were legally admitted to the apartment, and that the seizure of the challenged items was lawful were not clearly erroneous. United States v. Matlock, 415 U.S. 164, 171-72 n.7 (1974); United States v. Kelley, 981 F.2d 1464, 1470 (5th Cir.), cert. denied, 113 S. Ct. 2427 (1993). The district court properly denied Wells's motion to suppress.

AFFIRMED.