

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-40172
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

HUGO ESCOBAR-GARCIA,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. CR-B-95-180-01
- - - - -

December 10, 1996

Before WIENER, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Hugo Escobar-Garcia appeals from his conviction of possession with intent to distribute cocaine. He contends solely that the search of the vehicle he was driving exceeded the scope of his consent.

Escobar raises his contention for the first time on appeal; we review his contention for plain error. *United States v.*

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

Alvarado-Saldivar, 62 F.3d 697, 699 (5th Cir. 1995), *cert. denied*, 116 S. Ct. 742 (1996). The evidence at the suppression hearing indicated only that Escobar consented to the search; the evidence indicated nothing else about the consent. "Although the question of objective reasonableness is a question of law, the factual circumstances surrounding the consent are central to determining the nature of the consent and how it would have been understood by a reasonable person." *United States v. Ibarra*, 965 F.2d 1354, 1357 (5th Cir. 1992)(en banc). The record does not establish clear or obvious error committed by the district court. *United States v. Calverley*, 37 F.3d 160, 162-63 (5th Cir. 1994) (en banc), *cert. denied*, 115 S. Ct. 1266 (1995).

AFFIRMED.