

June 20, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-10401
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

GLEN HARVICK

Defendant - Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:04-CR-23-4-Y

Before KING, WIENER, and DeMOSS, Circuit Judges.

PER CURIAM:*

Glen Harvick appeals his conviction for importation of methylenedioxymethamphetamine (MDMA) and aiding and abetting, contending that the district court should have granted his motion to suppress. Relying on Wilson v. Arkansas, 514 U.S. 927, 931 (1995), and 18 U.S.C. § 3109, Harvick argued in the district court that the officers did not comply with the "knock and announce" rule before entering the apartment where the MDMA was found.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

On appeal, Harvick challenges only the district court's factual determination that the officers did not conduct an unannounced entry in violation of the Fourth Amendment. After reviewing the transcript of the suppression hearing, we conclude that the district court did not commit clear error in finding that the entry did not violate the "knock and announce" principle. See United States v. Santiago, 310 F.3d 336, 340 (5th Cir. 2002).

AFFIRMED.