

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-40020
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RONALD GARY KIRK, JR.,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:97-CR-38-1
- - - - -

September 23, 1998

Before DAVIS, BENAVIDES, and PARKER, Circuit Judges.

PER CURIAM:*

Appellant, Ronald Gary Kirk, Jr., appeals his conditional-guilty-plea conviction for possession with intent to distribute marijuana and possession of an altered telecommunications device. Kirk challenges the district court's denial of his motion to suppress the evidence obtained as a result of the stop and search of the rental car he was driving.

Kirk did not have standing to contest the search of the vehicle because he was not an authorized driver of the vehicle

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

and knew that the rental contract prohibited unauthorized drivers from operating it. See United States v. Boruff, 909 F.2d 111, 117 (5th Cir. 1990).

AFFIRMED.