

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-50547  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JUAN GARCIA-RODRIGUEZ,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. DR-97-CR-90-ALL

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December 3, 1999

Before JOLLY, JONES, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Juan Garcia-Rodriguez appeals from his conviction of illegal reentry and aiding and abetting illegal entry. Garcia contends that federal agents violated the Fourth Amendment by crossing the threshold of the motel room without a warrant; that the magistrate judge erred by finding that the crossing of the threshold was not an entry; that no exigent circumstances existed justifying the entry; and that his consent to enter the room was not voluntary.

The magistrate judge's finding that the agents did not enter Garcia's motel room until after Garcia consented was not clearly

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

erroneous. United States v. Coleman, 969 F.2d 126, 129 (5th Cir. 1992). Furthermore, when Garcia gave his consent, he was not in custody; the agents used no coercive tactics on him; and he cooperated with the agents. Thus, there is no error by the magistrate judge in finding the consent voluntary. United States v. Gonzalez-Basulto, 898 F.2d 1011, 1012-13 (5th Cir. 1990). The judgment and conviction are therefore

A F F I R M E D.