

United States Court of Appeals
Fifth Circuit

FILED

April 8, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-30905
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MICHAEL T. JOHNSON,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 02-CR-50070-1-ALL

Before JONES, BENAVIDES, and CLEMENT, Circuit Judges.

PER CURIAM:*

Michael T. Johnson entered a conditional guilty plea to being a felon in possession of a firearm, reserving the right to appeal the district court's denial of his motion to suppress the evidence seized from his residence. He argues that the Government failed to meet its burden to prove that he freely and voluntarily consented to the search of his residence. A review of the evidence presented at the evidentiary hearing on the motion to suppress indicates that the district court did not

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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clearly err in finding that Johnson freely and voluntarily consented to the search of the residence. See United States v. Tompkins, 130 F.3d 117, 120 (5th Cir. 1997). Therefore, the district court's judgment is AFFIRMED.

AFFIRMED.