

NOT RECOMMENDED FOR FULL-TEXT PUBLICATION

No. 07-5438

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED

MAY 15 2008

LEONARD GREEN, Clerk

UNITED STATES OF AMERICA,)
)
 Plaintiff-Appellee,)
)
 v.)
)
 JOHNNY WAYNE PRICE,)
)
 Defendant-Appellant.)

ON APPEAL FROM THE UNITED
STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TENNESSEE

Before: ROGERS, COOK, and McKEAGUE, Circuit Judges.

PER CURIAM. In this appeal, defendant challenges the district court's denial of his motion to suppress evidence seized after defendant's wife consented to a search of defendant's home. The search that defendant challenges, however, did not yield evidence pertinent to defendant's offense of conviction. Accordingly, even if this court were to determine that the challenged search was unlawful, such a determination would have no bearing on the validity of defendant's conviction. Counsel for the defendant and the government agree that this is the case. The appeal is therefore dismissed and the case is ordered removed from the oral argument calendar.