

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

March 19, 2012

Lyle W. Cayce
Clerk

No. 11-50462
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

AUDRENN STARR, also known as Adrian Gutierrez,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:10-CR-2561-1

Before WIENER, STEWART, and HAYNES, Circuit Judges.

PER CURIAM:*

United States Customs and Border Protection officers at the El Paso port of entry discovered drugs concealed on the person of Defendant-Appellant Audrenn Starr. The district court denied Strr's motion to suppress the drugs. Following a bench trial on stipulated facts, Starr was convicted of importation of methylenedioxymethamphetamine (MDMA) (Count One) and possession of MDMA with intent to distribute (Count Two). He contends on appeal that the district court should have granted the motion to suppress because the search,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 11-50462

which involved lifting the hem of his untucked T-shirt approximately one inch, exceeded the acceptable limits of a routine border search.

We conclude that the district court did not err in concluding that the search of Starr's person, which took place in a private room and was conducted by a person of the same sex, did not exceed the scope of a routine border search. *See United States v. Kelly*, 302 F.3d 291, 294 (5th Cir. 2002); *United States v. Sandler*, 644 F.2d 1163, 1167 (5th Cir. 1981) (en banc).

AFFIRMED.