

United States Court of Appeals
For the Eighth Circuit

No. 22-3438

United States of America

Plaintiff - Appellee

v.

Ryan William Souza

Defendant - Appellant

Appeal from United States District Court
for the Southern District of Iowa - Central

Submitted: July 26, 2023

Filed: August 17, 2023

[Unpublished]

Before COLLOTON, SHEPHERD, and KOBES, Circuit Judges.

PER CURIAM.

Ryan Souza appeals after he entered a conditional guilty plea to drug and firearm offenses. He argues that the district court¹ erred by denying his motion to

¹The Honorable Stephanie M. Rose, Chief Judge, United States District Court for the Southern District of Iowa.

suppress and his request for a hearing pursuant to Franks v. Delaware, 438 U.S. 154 (1978).

We conclude that Souza waived his challenge to the denial of a Franks hearing, as he failed to raise in the district court the specific challenges he now makes on appeal. See United States v. Green, 691 F.3d 960, 965 (8th Cir. 2012) (mere filing of motion to suppress is not sufficient to avoid waiver of specific arguments that are advanced for first time on appeal). We also conclude that the district court did not err in denying Souza's motion to suppress, as the information in the affidavit for the relevant warrant application supported a finding of probable cause. See United States v. Evans, 4 F.4th 633, 636 (8th Cir. 2021) (on appeal of denial of motion to suppress, district court's findings of fact are reviewed for clear error and its legal conclusions are reviewed de novo); United States v. El-Alamin, 574 F.3d 915, 923 (8th Cir. 2009) (whether affidavit establishes probable cause is determined by issuing judge based on totality of circumstances).

Accordingly, we affirm.
