

JUN 19 2013

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOHN EDWARD GIBBONS,

Defendant - Appellant.

No. 12-10218

D.C. No. 2:11-cr-00113-JAT-1

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
James A. Teilborg, District Judge, Presiding

Submitted June 11, 2013**
San Francisco, California

Before: O'SCANNLAIN and HURWITZ, Circuit Judges, and PIERSOL, Senior
District Judge.***

* This disposition is not appropriate for publication and is not precedent
except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision
without oral argument. *See* Fed. R. App. P. 34(a)(2).

*** The Honorable Lawrence L. Piersol, Senior District Judge for the U.S.
District Court for the District of South Dakota, sitting by designation.

John Edward Gibbons appeals his convictions following a bench trial of conspiracy to possess with intent to distribute five kilograms or more of cocaine, in violation of 21 U.S.C. § 846, and possession with intent to distribute five kilograms or more of cocaine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A)(ii). We have jurisdiction under 28 U.S.C. § 1291 and affirm.

The sole issue on appeal is whether the district court erred by denying Gibbons' motion to suppress. This same issue was raised by Gibbons' co-defendant, Lisa Sayamonty. *See United States v. Sayamonty*, No. 12-10153, ___ Fed. Appx. ___, 2013 WL 2632188 (9th Cir. June 13, 2013) (unpublished disposition). For the reasons stated in *Sayamonty*, we hold that the district court correctly denied the motion to suppress.

AFFIRMED.