

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

United States Court of Appeals
Fifth Circuit

FILED

August 17, 2016

Lyle W. Cayce
Clerk

No. 15-30807
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JAMES PHILLIPS, also known as Kaleem Mustafaa,

Defendant-Appellant

Appeals from the United States District Court
for the Western District of Louisiana
USDC No. 3:14-CR-144-1

Before JOLLY, SMITH, and GRAVES, Circuit Judges.

PER CURIAM:*

James Phillips appeals his conviction for interstate transportation of a stolen motor vehicle and sentence of 110 months of imprisonment and three years of supervised release. He challenges the denial of his motion to suppress statements he made to law enforcement following his arrest and the reasonableness of his sentence.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 15-30807

Any unlawful delay in Phillips's presentment to a state court judge does not provide an independent basis for suppression. *See United States v. Martin*, 431 F.3d 846, 848-49 (5th Cir. 2005). Phillips had no right to be presented to a federal court judge when he made his statements. *See Barnett v. United States*, 384 F.2d 848, 858 (5th Cir. 1967). The totality of the circumstances supports the district court's conclusion that Phillips's statements were voluntary. *See United States v. Anderson*, 755 F.3d 782, 790 (5th Cir. 2014).

Phillips fails to rebut the presumption of reasonableness that applies to his within-guidelines sentence. *See United States v. Cooks*, 589 F.3d 173, 186 (5th Cir. 2009); *United States v. Campos-Maldonado*, 531 F.3d 337, 338 (5th Cir. 2008). Any claim of a procedural sentencing error based on the sentence enhancement for being an organizer or leader is waived by virtue of inadequate briefing. *Cf. United States v. Reagan*, 596 F.3d 251, 254 (5th Cir. 2010); *United States v. Stalnak*, 571 F.3d 428, 439-40 (5th Cir. 2009).

The judgment of the district court is AFFIRMED.