

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

No. 16-11756
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

March 9, 2018

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ENRIQUE LOPEZ LARA, also known as Juan Francisco Martinez Reyes,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:16-CR-175-1

Before DAVIS, CLEMENT and COSTA, Circuit Judges.

PER CURIAM:*

Enrique Lopez Lara appeals his conditional guilty plea to one count of making a false claim to United States citizenship in violation of 18 U.S.C. § 911. His plea agreement reserved his right to appeal the district court's order denying his motion to suppress evidence regarding his true identity as a citizen of Mexico.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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Lopez Lara argues on appeal that the district court erred by denying his motion to suppress. He contends that federal agents detained him at an airport without reasonable suspicion, in violation of the Fourth Amendment, and that the evidence obtained as a result should have been suppressed. He concedes, however, as he did in the district court, that his argument is foreclosed by *United States v. Roque-Villanueva*, 175 F.3d 345, 346 (5th Cir. 1999), and he raises the issue to preserve it for further review.

The Government has moved for summary affirmance or, alternatively, for an extension of time to file a brief on the merits. This court has held that even if there was a Fourth Amendment violation, evidence of an alien's identity is not suppressible. *See United States v. Hernandez-Mandujano*, 721 F.3d 345, 351 (5th Cir. 2013); *Roque-Villanueva*, 175 F.3d at 346. Thus, Lopez Lara's argument is in fact foreclosed. *See Roque-Villanueva*, 175 F.3d at 346.

Accordingly, summary affirmance is appropriate. *See Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969). The Government's motion for summary affirmance is GRANTED, and its alternative motion for an extension of time to file a brief on the merits is DENIED. The judgment of the district court is AFFIRMED.