

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

No. 16-41546
Summary Calendar

United States Court of Appeals
Fifth Circuit
FILED
November 22, 2017

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JUAN ISMAEL OROZCO-VAZQUEZ,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 5:16-CR-133-1

Before STEWART, Chief Judge, and OWEN and HAYNES, Circuit Judges.

PER CURIAM:*

Juan Ismael Orozco-Vazquez appeals his conditional guilty plea conviction of conspiring to possess with intent to distribute cocaine for which he was sentenced to 27 months of imprisonment and three years of supervised release.

In reviewing a district court's suppression ruling, we review factual findings for clear error and questions of law de novo. *United States v. Jaime*,

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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473 F.3d 178, 181 (5th Cir. 2006). A factual finding is not clearly erroneous so long as it is plausible in light of the record as a whole. *United States v. McKinnon*, 681 F.3d 203, 207 (5th Cir. 2012). Facts are construed in the light most favorable to the Government as the prevailing party on the motion to suppress. *United States v. Macias*, 658 F.3d 509, 517 (5th Cir. 2011).

The district court did not clearly err in denying Orozco-Vazquez's motion to suppress. *See Jaime*, 473 F.3d at 181. Orozco-Vazquez's detention in the primary inspection lane was within the permissible duration of an immigration checkpoint stop. *See United States v. Machuca-Barrera*, 261 F.3d 425, 431-35 (5th Cir. 2001).

The judgment of the district court is AFFIRMED.