

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

No. 16-41549
Summary Calendar

United States Court of Appeals
Fifth Circuit
FILED
November 29, 2017
Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

RAFAEL PARTIDA-ZARAGOZA,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 5:16-CR-95-1

Before HIGGINBOTHAM, JONES, and SMITH, Circuit Judges.

PER CURIAM:*

Rafael Partida-Zaragoza pleaded guilty, pursuant to a plea agreement, to conspiring to harbor an undocumented alien, in violation of 8 U.S.C. § 1324. Partida-Zaragoza's guilty plea was conditional under Federal Rule of Criminal Procedure 11(a)(2), and he reserved the right to appeal the denial of his motion to suppress the evidence acquired during a search of a house in Laredo, Texas, that resulted in his arrest.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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Nothing materially distinguishes Partida-Zaragoza's case from that of his codefendant, Everardo Rodriguez-Mendoza. We thus conclude that Partida-Zaragoza lacked standing to raise a Fourth Amendment challenge to the search. *See United States v. Rodriguez-Mendoza*, 697 F. App'x 353 (5th Cir. 2017); *see also United States v. Briones-Garza*, 680 F.2d 417 (5th Cir. 1982) (involving similar facts and holding that standing was lacking).

AFFIRMED.