

DEC 15 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA

Plaintiff - Appellee,

v.

JUAN HIDALGO-MENDOZA

Defendant - Appellant.

No. 13-30235

D.C. No. 3:13-cr-05029-RBL-1

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Ronald B. Leighton, District Judge, Presiding

Submitted December 8, 2014**
Seattle, Washington

Before: HAWKINS, McKEOWN, and TALLMAN, Circuit Judges.

Juan Hidalgo-Mendoza (“Hidalgo”) challenges his conviction on four counts of drug and gun-related charges, arguing that the search warrant enabling police to

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

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

discover drugs hidden inside the walls of his former residence was not supported by probable cause. We affirm.

The showing required to justify issuing a search warrant is “whether, given all the circumstances set forth in the affidavit before [the magistrate judge], . . . there is a fair probability that contraband or evidence of a crime will be found in a particular place.” *Illinois v. Gates*, 462 U.S. 213, 238 (1983). A magistrate judge’s “determination of probable cause should be paid great deference by reviewing courts.” *Id.* at 236 (quoting *Spinelli v. United States*, 393 U.S. 410, 419 (1969)).

Given the deferential standard of review and quantum of proof required, there was no error in authorizing the search of Hidalgo’s former residence and allowing the introduction of the discovered drugs into evidence. The murder of Hidalgo’s roommate, the discovery of guns and narcotics in the immediate vicinity, and Hidalgo’s admitted role in assisting with the distribution of narcotics all indicated that the residence was being used in connection with a narcotics enterprise.

In the weeks after Hidalgo’s arrest, two separate sources told the police that a significant quantity of additional narcotics remained hidden inside the walls of Hidalgo’s former residence. A third source corroborated this information. While some sources provided more direct information than others, and only some of the sources had firsthand knowledge of the hidden narcotics, the totality of the

circumstances presented to the magistrate judge indicated far more than a “fair probability” that contraband would be found in Hidalgo’s former residence.

AFFIRMED.