

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

DEC 10 2008

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOSE ANGEL ZAMORA,

Defendant - Appellant.

No. 06-10683

D.C. No. CR-05-00219-DFL

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
David F. Levi, District Judge, Presiding

Submitted November 17, 2008**
San Francisco, California

Before: NOONAN, KLEINFELD and IKUTA, Circuit Judges.

Jose Angel Zamora appeals his conviction of one count of possession with intent to distribute 83.07 grams of methamphetamine in violation of 21 U.S.C. §

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

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

841(a) on the grounds that the district court erred in denying his motion to suppress evidence. He argues that the police lacked the requisite reasonable suspicion to seize him, in violation of his rights under the Fourth Amendment to the United States Constitution. The record indicates that the police had reasonable articulable suspicion to justify the initial minimally intrusive stop. *See Illinois v. Wardlow*, 528 U.S. 119, 123 (2000); *Terry v. Ohio*, 392 U.S. 1, 27 (1968). Zamora concedes that after the initial stop, the police had probable cause to arrest him and conduct a search incident to that arrest. We agree with the district court's finding that the requirements of the Fourth Amendment have been met.

Accordingly, we **AFFIRM**.