

AUG 28 2009

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOSE ANTONIO VERDUGO-MUNOZ,

Defendant - Appellant.

No. 06-10251

D.C. No. CR-03-01161-SRB

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Susan R. Bolton, District Judge, Presiding

Argued and Submitted August 12, 2009
San Francisco, California

Before: **KOZINSKI**, Chief Judge, **HUG** and **REINHARDT**, Circuit Judges.

The known informant who tipped off DEA agents to defendant's drug dealing had a strong incentive to provide truthful information, explained the basis for his knowledge and provided detailed predictions about defendant's future behavior. The agents were also able to corroborate many of the details provided by

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

informant before acting. For example, they confirmed that informant had spoken with defendant on the phone, that defendant in fact went to the meeting place arranged in those phone calls and that the car defendant approached was the same color reported by informant. Defendant's arrest and the search of his car were based on probable cause under the totality of the circumstances. United States v. Tarazon, 989 F.2d 1045, 1048–49 (9th Cir. 1993); see, e.g., United States v. Rowland, 464 F.3d 899, 907–09 (9th Cir. 2006). Both were lawful even though the agents lacked warrants. California v. Acevedo, 500 U.S. 565, 579–80 (1991); United States v. Jensen, 425 F.3d 698, 704 (9th Cir. 2005).

AFFIRMED.