

OCT 22 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NOT FOR PUBLICATION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.

LUCIO MADRIGAL-PLACIDO,

Defendant - Appellant.

No. 09-30029

D.C. No. 9:08-CR-00043-DWM

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Donald W. Molloy, District Judge, Presiding

Submitted October 13, 2009**

Before: B. FLETCHER, LEAVY, and RYMER, Circuit Judges.

Lucio Madrigal-Placido appeals the district court's order denying in part his motion to suppress. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

* 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).

Madrigal-Placido contends the district court erred by declining to suppress evidence of his identity and his immigration file as the fruit of an unlawful traffic stop. As he acknowledges, this contention is foreclosed. *See United States v. Del Toro Gudino*, 376 F.3d 997, 1001 (9th Cir. 2004); *United States v. Guzman-Bruno*, 27 F.3d 420, 421-22 (9th Cir. 1994).

AFFIRMED.