

FILED

MAR 14 2019

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NOT FOR PUBLICATION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.

CHRISTIAN JESUS RUIZ,

Defendant-Appellant.

No. 18-30002

D.C. No.

6:17-cr-00007-SEH-4

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Sam E. Haddon, District Judge, Presiding

Submitted February 5, 2019**
Seattle, Washington

Before: IKUTA and CHRISTEN, Circuit Judges, and CHOE-GROVES, *** Judge.

* 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 was suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

*** The Honorable Jennifer Choe-Groves, Judge for the United States Court of International Trade, sitting by designation.

Christian Jesus Ruiz appeals the district court's denial of his motion to suppress evidence. Ruiz challenges law enforcement officers' probable cause for his arrest. We have jurisdiction under 28 U.S.C. § 1291. We affirm.

“We review *de novo* motions to suppress, and any factual findings made at the suppression hearing for clear error.” United States v. Negrete-Gonzales, 966 F.2d 1277, 1282 (9th Cir. 1992). “To determine whether an officer had probable cause to arrest an individual, we examine the events leading up to the arrest, and then decide ‘whether these historical facts, viewed from the standpoint of an objectively reasonable police officer, amount to’ probable cause.” Maryland v. Pringle, 540 U.S. 366, 371 (2003) (quoting Ornelas v. United States, 517 U.S. 690, 696 (1996)). Probable cause “deals with probabilities and depends on the totality of the circumstances.” Id.

A *de novo* examination of the events leading up to the arrest begins when an informant provided information regarding his involvement in methamphetamine trafficking and surrendered over \$400,000 in cash obtained from unlawful drug transactions. The informant identified his supplier, arranged to purchase \$140,000 of methamphetamine from the supplier, and described the vehicle likely to be used by the supplier and his associates. The informant also told officers that the supplier frequently conducted drug transactions with armed guards.

Officers identified the vehicle in which the supplier traveled for this drug transaction by matching the informant's vehicle description to location data from the supplier's cell phone, officers' observations, and contemporaneous information regarding the supplier's state border crossing from the informant. Police stopped the vehicle and arrested both occupants. Ruiz was the driver of that vehicle. After Ruiz and the supplier's arrest, both persons independently gave consent for officers to search the vehicle. The search revealed nine kilograms of methamphetamine, two handguns, and a money counter. The district court found that officers had probable cause to arrest Ruiz and the supplier.

There was probable cause to arrest Ruiz under the totality of the circumstances. Officers knew that the vehicle driven by Ruiz was being used for drug trafficking, and that the supplier was planning to exchange a significant quantity of illegal drugs in exchange for \$140,000. Due to the informant's information that the supplier traveled with armed guards, the quantity of illegal drugs involved, and the amount of cash involved in the transaction planned by the informant and the supplier, it was reasonable to believe that Ruiz, as the driver, was engaged in criminal activity. See Pringle, 540 U.S. at 373.

Ruiz's motion to suppress evidence was properly denied. See id. at 371.
AFFIRMED.