

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 00-1738

United States of America,

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Appellee,

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v.

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Appeals from the United States

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District Court for the Eastern

Cruz Guerrero Padilla,

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District of Arkansas

*

Appellant.

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[Unpublished]

Submitted: September 13, 2000

Filed: October 18, 2000

Before BOWMAN and BEAM, Circuit Judges, and BOGUE,¹ District Judge.

PER CURIAM.

Cruz Guerrero Padilla appeals the District Court's² denial of his motion to suppress the search of his tractor trailer. Padilla was the owner of the tractor trailer, but was riding as a passenger when the vehicle was stopped. The driver of the truck

¹The Honorable Andrew W. Bogue, Senior United States District Judge for the District of South Dakota, sitting by designation.

²The Honorable Stephen M. Reasoner, United States District Judge for the Eastern District of Arkansas.

consented to a search of the vehicle and Padilla did not object to the search at that time. Padilla argues the Arkansas state trooper did not have proper consent to search, did not have a reasonable good faith belief he could search, and that Padilla was unconstitutionally seized.

A driver of a vehicle can properly give consent to the search of that vehicle since he is in immediate control of its operation. United States v. Eldridge, 984 F.2d 943, 948 (8th Cir. 1993). Failure to object to a search when there is ample opportunity to assert a superior interest in priority of ownership results in a valid search. Id. Finally, the search was performed incident to a valid stop and proper consent. No Fourth Amendment violations occurred under these facts.

Accordingly, we affirm.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.