

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 04-3008

United States of America,

Appellee,

v.

Guy L. Gosciniak,

Appellant.

*
*
* Appeal from the United States
* District Court for the
* Western District of Arkansas.

*
* [UNPUBLISHED]

*
*

Submitted: March 18, 2005

Filed: June 20, 2005

Before RILEY, BOWMAN, and GRUENDER, Circuit Judges.

PER CURIAM.

Appellant Guy L. Gosciniak granted police officers consent to search his residence after the police received an anonymous tip that Gosciniak was selling illegal drugs from the residence. Upon searching, the police found almost 300 grams of amphetamine, a loaded firearm, and about \$2,500 in cash within Gosciniak's residence. He was arrested and subsequently pleaded guilty to possessing with intent to distribute fifty grams or more of a substance or mixture containing amphetamine. See 21 U.S.C. § 841(a)(1) (2000).

Before pleading guilty, Gosciniak moved to suppress the evidence found at his residence, arguing that the federal courts should adopt the rule announced by the Supreme Court of Arkansas in State v. Brown, 156 S.W.3d 722 (Ark. 2004). Brown interpreted the Arkansas state constitution to require police officers to inform a resident of the right to refuse consent to a search of his dwelling. Id. at 724. The District Court¹ held that Gosciniak's argument was foreclosed by controlling federal cases construing the Fourth Amendment of the United States Constitution. See Order of Apr. 28, 2004, at 2 (denying Defendant Guy L. Gosciniak's motion to suppress). Gosciniak appeals.

For the reasons stated in the District Court's well-reasoned opinion, we affirm. See 8th Cir. R. 47B.

¹The Honorable Jimm Larry Hendren, United States District Judge for the Western District of Arkansas.