

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 97-3452MN

United States of America,

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Appellee,

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Appeal from the United States
District Court for the District
of Minnesota.

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v.

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*

Edward Boler,

*

[UNPUBLISHED]

*

Appellant.

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Submitted: February 10, 1998

Filed: February 20, 1998

Before FAGG and MURPHY, Circuit Judges, and SMITH,* District Judge.

PER CURIAM.

Edward Boler appeals his conviction for possession with intent to distribute cocaine. On appeal, Boler claims the district court committed error in refusing to suppress cocaine seized during the follow-up search of Boler's duffle bag. We disagree. Having reviewed the record and the parties' briefs, we conclude the district court correctly ruled that Boler impliedly consented to a second search of his duffle bag. We thus uphold Boler's conviction. See 8th Cir. R. 47B.

*The Honorable Ortrie D. Smith, United States District Judge for the Western District of Missouri, sitting by designation.

A true copy.

Attest:

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