

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 00-4039

United States of America,

Appellee,

v.

Lester McGrone,

Appellant.

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Appeal from the United States
District Court for the Western
of Missouri.

[UNPUBLISHED]

Submitted: August 6, 2001

Filed: August 8, 2001

Before HANSEN, FAGG, and BEAM, Circuit Judges.

PER CURIAM.

Lester McGrone appeals the district court's denial of his motion to suppress evidence seized during a search of McGrone's car. Specifically, McGrone argues the court committed clear error when it credited a police officer's testimony that he arrested McGrone for driving without a license before the search of his car. Having reviewed the record, we reject McGrone's argument. See United States v. Jones, No. 99-3027, 2001 WL 673578, *2 (8th Cir. June 18, 2001) (district court's credibility determinations are "well-nigh unreviewable"); United States v. Snook, 88 F.3d 605, 607 (8th Cir. 1996) (standard of review). In our view, the district court properly denied McGrone's

suppression motion because the car was searched incidental to McGrone's arrest. See New York v. Belton, 453 U.S. 454, 460 (1981); United States v. Dawdy, 46 F.3d 1427, 1430 (8th Cir. 1995); United States v. Riedesel, 987 F.2d 1383, 1389 (8th Cir. 1993). We thus affirm the district court.

A true copy.

Attest:

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