

United States Court of Appeals
For the Eighth Circuit

No. 23-2920

United States of America

Plaintiff - Appellee

v.

Johntario Jovonta Holmes

Defendant - Appellant

Appeal from United States District Court
for the Western District of Arkansas - El Dorado

Submitted: March 7, 2024

Filed: March 14, 2024

[Unpublished]

Before LOKEN, BENTON, and ERICKSON, Circuit Judges.

PER CURIAM.

Johntario Holmes appeals after pleading guilty to a firearm offense. The district court¹ sentenced him to 60 months in prison. His counsel moved for leave to withdraw and filed a brief under *Anders v. California*, 386 U.S. 738 (1967),

¹The Honorable Susan. O. Hickey, Chief Judge, United States District Court for the Western District of Arkansas.

arguing that the district court erred by denying his motion to suppress. Having jurisdiction under 28 U.S.C. § 1291, this court affirms.

Upon careful review, this court concludes that the district court did not err in denying Holmes's motion to suppress. *See United States v. Holly*, 983 F.3d 361, 363 (8th Cir. 2020) (reviewing the denial of a motion to suppress, this court reviews findings of fact for clear error and legal conclusions de novo). The traffic stop was not unlawfully extended. *See United States v. Jones*, 269 F.3d 919, 924 (8th Cir. 2001) (police officer, incident to investigating a lawful traffic stop, may request the driver's license and registration, request that the driver step out of the vehicle, request that the driver wait in the patrol car, and conduct routine inquiries). Holmes lacked a reasonable expectation of privacy in his vehicle after fleeing it. *See United States v. Smith*, 648 F.3d 654, 660 (8th Cir. 2011) (no expectation of privacy in vehicle defendant abandoned to flee from police).

This court has also independently reviewed the record under *Penson v. Ohio*, 488 U.S. 75 (1988), and has found no non-frivolous issues for appeal. The judgment is affirmed and counsel's motion to withdraw is granted.
