

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

\_\_\_\_\_  
No. 04-13426  
\_\_\_\_\_

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT MAY 2, 2005 THOMAS K. KAHN CLERK
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D. C. Docket No. 04-60416 CV-PC/H

TROPICAL AVIATION GROUND  
SERVICES, INC., A Florida corporation,

Plaintiff-Appellee,

versus

KENNETH JENNE, II,  
Sheriff of Broward County,  
ROBERT SIERRA,

Defendants-Appellants.

\_\_\_\_\_  
Appeal from the United States District Court  
for the Southern District of Florida  
\_\_\_\_\_

(May 2, 2005)

Before BLACK, MARCUS and FAY, Circuit Judges.

PER CURIAM:

Appellant Robert Sierra, an employee of the Broward County Sheriff's Office, conducted a warrantless search on the commercial premises of Appellee Tropical Aviation Ground Services, Inc. (Tropical Aviation). Pursuant to 42 U.S.C. § 1983, Tropical Aviation brought suit against Sierra, alleging a violation of the Fourth Amendment. Sierra filed a Rule 12(b)(6) motion to dismiss the complaint based on qualified immunity. The district court denied Sierra's motion, and this appeal followed. The district court did not err in denying Sierra's motion to dismiss.

**AFFIRMED.**