

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

August 19, 2008

No. 07-51283
Conference Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

MAURICIO JOEL IBARRA

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 6:07-CR-4-4

Before GARZA, CLEMENT, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Mauricio Joel Ibarra appeals his sentence following his guilty plea conviction for conspiracy to distribute methamphetamine. He argues that the district court clearly erred in finding that he was not a minor participant under U.S.S.G. § 3B1.2(b). Members of the conspiracy departed Ibarra's apartment to engage in the methamphetamine transaction leading to Ibarra's arrest; Ibarra's actions during the transaction were consistent with that of a lookout; and a search of Ibarra's apartment revealed methamphetamine, digital scales,

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

weapons, ledgers, and \$142,897 in cash. The district court's finding that Ibarra was not a minor participant was plausible in light of the record as a whole and, thus, not clearly erroneous. See *United States v. Villanueva*, 408 F.3d 193, 203-04 (5th Cir. 2005). Accordingly, the judgment of the district court is AFFIRMED.