

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

February 25, 2013

Lyle W. Cayce
Clerk

No. 12-40377

Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

VICTOR ALFONSO GARZA,

Defendant-Appellant

Appeals from the United States District Court
for the Southern District of Texas
USDC No. 7:10-CR-1023-5

Before WIENER, ELROD, and GRAVES, Circuit Judges.

PER CURIAM:*

Victor Alfonso Garza appeals his 80-month below-guidelines sentence for conspiracy to possess with intent to distribute cocaine. He contends that his offense level should have been reduced by two levels for his minor role in the offense.

Whether Garza was a minor participant is a factual determination that we review for clear error. *United States v. Villanueva*, 408 F.3d 193, 203 (5th Cir. 2005). We do not evaluate his participation with reference to the broader

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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criminal enterprise of which he was a part but only in relation to the conduct for which he was held accountable. *United States v. Garcia*, 242 F.3d 593, 598-99 (5th Cir. 2001). Even if Garza may have played a relatively minor role in the broader drug distribution conspiracy, he was sentenced only for a single seizure of cocaine at a stash house over which he was keeping lookout. The district court did not commit a clear error by declining to award Garza a minor role reduction for his role in that offense. *See id.* The district court's judgment is AFFIRMED.