

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 00-20957  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DAVID PICENA,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-00-CR-104-7  
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October 25, 2001

Before WIENER, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:\*

David Picena appeals the sentence following his conviction for one count of conspiring to transport aliens, a violation of 18 U.S.C. § 371. He argues that the district court erred in declining to grant him a downward adjustment based on his minor role in the conspiracy. The district court did not err in determining that Picena was not entitled to this adjustment. See United States v. Zuniga, 18 F.3d 1254, 1261 (5th Cir. 1994); United States v. Devine, 934 F.2d 1325, 1340 (5th Cir. 1991). The judgment of the district court is AFFIRMED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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