

February 5, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-40480
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JUAN CARLOS ARRAMBIDES,

Defendant-Appellant.

Appeals from the United States District Court
for the Southern District of Texas
USDC No. L-02-CR-1481-2

Before JONES, BENAVIDES, and CLEMENT, Circuit Judges.

PER CURIAM:*

Juan Carlos Arrambides appeals from his sentence following a guilty plea to possession with intent to distribute in excess of 1000 kilograms of marijuana, in violation of 21 U.S.C. § 841(a)(1). Arrambides argues that the district court erroneously denied him a minor role adjustment pursuant to U.S.S.G. § 3B1.2.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

A minor participant in an offense is one "who is less culpable than most other participants, but whose role could not be described as minimal." U.S.S.G. § 3B1.2, comment. (n.5). After reviewing the record, we conclude that the district court did not clearly err by denying the adjustment because Arrambides was not substantially less culpable than the average participant. See United States v. Garcia, 242 F.3d 593, 598-99 (5th Cir. 2001); United States v. Tremelling, 43 F.3d 148, 153 (5th Cir. 1995).

AFFIRMED.