

June 19, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 06-51194
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

EFREN ENRIQUE SAENZ-CASTANEDA, also known as Efren E. Saenz-
Castaneda,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:04-CR-170-ALL

Before JONES, Chief Judge, and JOLLY and DENNIS, Circuit Judges.

PER CURIAM:*

Efren Enrique Saenz-Castaneda (Saenz) appeals the sentence imposed following his guilty plea to possession with intent to distribute marijuana. He argues that the district court clearly erred in denying him a minor-role adjustment pursuant to U.S.S.G. § 3B1.2. The district court's finding that Saenz 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).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 06-51194

-2-

AFFIRMED.