

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

United States Court of Appeals
Fifth Circuit

FILED

August 16, 2013

Lyle W. Cayce
Clerk

No. 12-41196
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

CLAUDIA YADIRA GONZALEZ, also known as Claudia Yadira Lazo,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:12-CR-816-1

Before REAVLEY, JONES, and PRADO, Circuit Judges.

PER CURIAM:*

Claudia Yadira Gonzalez appeals her 30-month sentence for making a false statement in connection with the acquisition of a firearm. Gonzalez purchased a total of four firearms on separate occasions at the behest of another individual, Jose Manuel Mendez, who recruited her to make the purchases; Gonzalez indicated that she knew that the weapons were to be

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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transported to Mexico. She challenges the district court's finding that she was not a minor participant in the offense under U.S.S.G. § 3B1.2.

The district court held Gonzalez accountable only for the four firearms she purchased. Additionally, the court held her accountable for trafficking the firearms because she transferred them to Mendez knowing that they would be exported to Mexico.

Gonzalez's role with respect to the conduct for which she was held accountable was only slightly less than that of Mendez. *See United States v. Garcia*, 242 F.3d 593, 598-99 (5th Cir. 2001). As the district court noted, she engaged in a pattern of conduct rather than a one-time purchase of firearms. Gonzalez was thus not "substantially less culpable" than Mendez, and her role was not peripheral to the pertinent firearm transactions. *See United States v. Villanueva*, 408 F.3d 193, 203-04 (5th Cir. 2005). Accordingly, we find no clear error. *See id.* The judgment of the district court is AFFIRMED.