

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-40702  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

COURTNEY RODELL SIMS,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 1:96-CR-120-2  
- - - - -

April 8, 1998

Before JOLLY, JONES, and DUHÉ, Circuit Judges.

PER CURIAM:\*

Courtney Rodell Sims appeals his guilty-plea conviction for possession with intent to distribute crack cocaine in violation of 21 U.S.C. § 841(a)(1). Sims contends that the district court clearly erred in refusing to reduce his offense level for his minor or minimal role in the offense pursuant to U.S. Sentencing Guidelines § 3B1.2. Because Sims was sentenced based on only the actual amount of cocaine involved in the charged offense and not the entire amount involved in the drug conspiracy, Sims was not entitled to a reduction in his base offense level under § 3B1.2

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

even if his role in the larger conspiracy may have been minor or minimal. See United States v. Flucas, 99 F.3d 177, 181 (5th Cir. 1996), cert. denied, 117 S. Ct. 1097 (1997); United States v. Atanda, 60 F.3d 196, 199 (5th Cir. 1995).

AFFIRMED.