

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

No. 98-10849
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSE MANUEL GARCIA,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
(4:98-CR-25-2-Y)

December 18, 1998

Before POLITZ, Chief Judge, WIENER and DENNIS, Circuit Judges.

PER CURIAM:*

Jose Manuel Garcia appeals his sentence imposed after a guilty plea conviction of possession with intent to distribute cocaine. Garcia contends that the district court erred in refusing to reduce his offense level by four based on his claimed minimal role in the offense.¹

Our review of the record, briefs, and controlling authorities persuades that

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

¹ U.S.S.G. § 3B1.2(a).

this challenge to Garcia's sentence should be rejected. The record reflects that his role was markedly more than that of a minimal participant with little understanding of the role and involvement of others and the extent of the drug transaction. Garcia admits knowledge that the transaction involved multiple kilos of cocaine. He opined that the stash in the vehicle he drove which exceeded 24 kilos was only five kilos. He was not only the driver, he was the translator for the operation. We perceive no clear error in the factual findings upon which the district court declined to grant a minimal participant classification to Garcia's involvement.²

The sentence is AFFIRMED.

² See **Rosier v. United States Parole Comm.**, 109 F.3d 212 (5th Cir. 1997).