

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-20664  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DANIELLE ROGERS,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-98-CR-450-4  
- - - - -

April 13, 2000

Before WIENER, DeMOSS, and PARKER, Circuit Judges.

PER CURIAM:\*

Danielle Rogers appeals the sentence imposed following her guilty-plea conviction of conspiracy to commit bank fraud. She argues on appeal that the district court erred by refusing to grant her a two-level downward adjustment pursuant to U.S.S.G. § 3B1.2(b) for being a minor participant in the criminal activity. We review a district court's factual finding as to the defendant's role in the offense for clear error. United States v. Gallegos, 868 F.2d 711, 713 (5th Cir. 1989).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

The information in the PSR and the factual basis for Rogers's guilty plea show that she was an active participant in the conspiracy to commit bank fraud. The district court was free to adopt the PSR's findings because they appeared sufficiently reliable and Rogers failed to present any information to rebut such findings. United States v. Vital, 68 F.3d 114, 120 (5th Cir. 1995). In light of the evidence regarding Rogers's participation in the criminal offense, the district court's finding that Rogers was not a minor participant in the offense was sufficiently stated and not clearly erroneous. Gallegos, 868 F.2d at 713.

Accordingly, the district court's judgment is AFFIRMED.