

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

February 20, 2008

Charles R. Fulbruge III  
Clerk

\_\_\_\_\_  
No. 07-50621

Conference Calendar  
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UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

JUANA VERONICA ROCHA DE SEPULVEDA, also known as Veronica Rocha-Acosta

Defendant-Appellant

\_\_\_\_\_  
Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 3:07-CR-161-ALL  
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Before KING, WIENER, and ELROD, Circuit Judges.

PER CURIAM:\*

Juana Veronica Rocha de Sepulveda appeals her sentence following her guilty plea conviction for importation of over 50 kilograms of marijuana and possession with the intent to distribute over 50 kilograms of marijuana. She argues that the district court clearly erred in denying her a minor role adjustment under U.S.S.G. § 3B1.2. Rocha de Sepulveda contends that she was a mere courier who was substantially less culpable than other participants in the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

offense. She further argues that if the Guidelines were not properly calculated, her sentence is not entitled to a presumption of reasonableness.

Whether a defendant is a minor or minimal participant is a factual determination reviewed for clear error. *United States v. Villanueva*, 408 F.3d 193, 203 & n.9 (5th Cir. 2005). Pursuant to § 3B1.2, a district court may decrease a defendant's offense level by two levels if the defendant was a minor participant. An adjustment for a minor role applies to a defendant "who is less culpable than most other participants, but whose role could not be described as minimal." § 3B1.2, comment. (n.5).

The district court did not clearly err in denying Rocha de Sepulveda a minor role adjustment, and the Guidelines were properly calculated. See *United States v. Atanda*, 60 F.3d 196, 199 (5th Cir. 1995); *United States v. Nevarez-Arreola*, 885 F.2d 243, 245 (5th Cir. 1989); *United States v. Buenrostro*, 868 F.2d 135, 137-38 (5th Cir. 1989).

Accordingly, the judgment of the district court is **AFFIRMED**.