

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

United States Court of Appeals
Fifth Circuit

FILED

March 18, 2009

Charles R. Fulbruge III
Clerk

No. 08-50648
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

CHRISTOPHER VEGA

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:08-CR-512-ALL

Before REAVLEY, WIENER, and PRADO, Circuit Judges.

PER CURIAM:*

Christopher Vega pleaded guilty to one count of importing 50 kilograms or more of marijuana and one count of possessing with intent to distribute 50 kilograms or more of marijuana, in violation of 21 U.S.C. §§ 841, 952, 960. The district court sentenced Vega to two concurrent terms of 30 months of imprisonment. Vega now appeals his sentence. He argues that the district court

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

erred by denying him a two-level adjustment pursuant to U.S.S.G. § 3B1.2(b) (2007) based upon his status as a minor participant in the offense.

Vega's argument that he qualified for the minor participant adjustment because he was a mere courier of drugs is unavailing. *See United States v. Edwards*, 65 F.3d 430, 434 (5th Cir. 1995); *United States v. Pofahl*, 990 F.2d 1456, 1485 (5th Cir. 1993). Rather, such a role is "an indispensable part" of drug related offenses. *See United States v. Buenrostro*, 868 F.2d 135, 138 (5th Cir. 1989). The district court determined that Vega's role was essential to the offense and also observed that Vega provided law enforcement officials inconsistent statements. The district court thus rejected Vega's assertion regarding his offense role in light of the totality of the circumstances presented by Vega's case. The district court's determination concerning Vega's role in the offense is plausible in light of the record and thus is not clearly erroneous. *See* § 3B1.2 comment. (n.3(C)); *United States v. Cisneros-Gutierrez*, 517 F.3d 751, 764 (5th Cir. 2008); *United States v. Villanueva*, 408 F.3d 193, 203-04 (5th Cir. 2005).

The judgment of the district court is AFFIRMED.