

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 00-40574  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JESUS JAVIER GUTIERREZ,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. C-00-CR-1-1  
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December 13, 2000

Before DAVIS, STEWART, and PARKER, Circuit Judges.

PER CURIAM:\*

Jesus Javier Gutierrez appeals the sentence imposed by the district court following his guilty-plea conviction for possession with intent to distribute approximately 385 kilograms of cocaine. Gutierrez argues that the district court erred in denying his request for a reduction in his offense level based on his minor role in the offense. Because Gutierrez played an important role in the distribution of the cocaine by transporting a large quantity of cocaine into the United States through the border patrol checkpoint, the district court did not err in

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

finding that he was not a minor participant, and therefore, he was not entitled to a reduction in his offense level under § 3B1.2 of the United States Sentencing Guidelines. See United States v. Valencia-Gonzales, 172 F.3d 344, 346 (5th Cir.), cert. denied, 120 S. Ct. 222 (1999); United States v. Marmolejo, 106 F.3d 1213, 1217 (5th Cir. 1997).

AFFIRMED.