

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-50210
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

LUIS PINON-ARZAGA,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. P-66-CR-366-1
- - - - -

October 18, 2000

Before SMITH, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Luis Pinon-Arzaga appeals from his guilty-plea conviction for importation of marijuana and possession with intent to distribute marijuana. He argues that the district court erred by failing to apply a two-level reduction to his offense level under U.S.S.G. § 3B1.2(b) for his minor role in his offenses. Whether a defendant played a mitigating role in an offense as a minor participant is a sophisticated factual determination that enjoys the protection of the "clearly erroneous" standard. United

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

States v. Gallegos, 868 F. 2d 711, 713 (5th Cir. 1989) (internal quotations and citations omitted).

Examination of the facts contained in the record indicate that the district court's refusal to apply § 3B1.2(b) to Pinon-Arzaga's sentence was not clearly erroneous. Accordingly, the district court's judgment of conviction is AFFIRMED.