

May 20, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-40682
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

ROBERTO RODRIGUEZ-SAUCEDO

Defendant - Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 5:03-CR-1973-ALL

Before KING, Chief Judge, and DAVIS and STEWART, Circuit Judges.

PER CURIAM:*

Roberto Rodriguez-Saucedo appeals his sentence following his guilty-plea conviction for possession with the intent to distribute more than five kilograms of cocaine. The district court denied Rodriguez-Saucedo's request for sentencing under the safety-valve provision of U.S.S.G. § 5C1.2 and sentenced him to the statutory minimum sentence of ten years in prison.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Rodriguez-Saucedo argues that the district court did not follow the correct legal standard when evaluating the merits of his request for a safety valve reduction under U.S.S.G. § 5C1.2. A review of the sentencing transcript reveals that the court understood that it, and not the parties, decides whether the defendant has met his burden of satisfying U.S.S.G. § 5C1.2.

Rodriguez-Saucedo also argues that the district court clearly erred when it determined that he had not provided the Government with all the information he knew about the offense. The court noted that the 14 kilograms of cocaine found hidden in Rodriguez-Saucedo's car had been packaged and hidden "in a rather sophisticated manner," that Rodriguez-Saucedo was unable to give the officers sufficient information to locate the man who had recruited him to smuggle the cocaine, and that Rodriguez-Saucedo's allegations of duress were unpersuasive. The record supports the district court's finding that Rodriguez-Saucedo was ineligible for sentencing under U.S.S.G. § 5C1.2. See United States v. Ridgeway, 321 F.3d 512, 516 (5th Cir. 2003); see also United States v. Angeles-Mendoza, ___ F.3d ___, No. 04-50118, 2005 WL 950130, (5th Cir. Apr. 26, 2005) . The judgment of the district court is AFFIRMED.