

**FILED**

December 16, 2004

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III  
Clerk

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No. 04-50427  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

EDUARDO GARCIA,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 3:03-CR-2326-ALL-PRM  
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Before KING, Chief Judge, and DeMOSS and CLEMENT, Circuit Judges.

PER CURIAM:\*

Eduardo Garcia appeals his sentence following his guilty-plea conviction of importation of a controlled substance and possession with intent to distribute a controlled substance. Garcia argues that the district court clearly erred by failing to award him a two-level reduction under U.S.S.G. § 3B1.2(b) for having a minor role in the offense. He argues that he was merely a drug courier who was to be paid a small fee for driving a car containing marihuana across the border from Mexico into 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

United States. He contends that other participants in the offense were more culpable.

Garcia admitted to contacting the man who hired him as a courier, as well as to accompanying this man to purchase the vehicle in which the drugs were hidden. Garcia knew that the vehicle contained drugs and that he was to deliver the vehicle to an individual in the United States and was to be paid for his efforts. The district court did not clearly err by denying Garcia an adjustment for playing a minor role in the offense. See United States v. Gallegos, 868 F.2d 711, 713 (5th Cir. 1989); United States v. Buenrostro, 868 F.2d 135, 137-38 (5th Cir. 1989).

AFFIRMED.