

March 13, 2006

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 05-51062  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JAIME LOYA-BONILLA,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 4:05-CR-6-ALL  
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Before JOLLY, DAVIS, and OWEN, Circuit Judges.

PER CURIAM:\*

Jaime Loya-Bonilla appeals his sentence for one count of aiding and abetting the possession with intent to distribute less than 50 kilograms of marijuana. Loya-Bonilla argues that the district court clearly erred in denying him a minor role adjustment pursuant to U.S.S.G. § 3B1.2.

Section 3B1.2 provides for a two-point reduction in the offense level if the defendant was a minor participant. See § 3B1.2. A "minor participant" is defined as one who is

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

substantially "less culpable than most other participants, but whose role could not be described as minimal." See § 3B1.2, comment. (n.5). As Loya-Bonilla was responsible for recruiting the supplier of the marijuana and transporting it into the United States, his role in the offense cannot be said to have been "peripheral to the advancement of the illicit activity." See United States v. Thomas, 932 F.2d 1085, 1092 (5th Cir. 1991). Accordingly, the district court did not clearly err in refusing to adjust Loya-Bonilla's offense level under § 3B1.2. See United States v. Villanueva, 408 F.3d 193, 203 & n.9 (5th Cir.), cert. denied, 126 S. Ct. 268 (2005).

AFFIRMED.