

February 13, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 06-40820
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ARMANDO TREVINO-SALAZAR,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 1:05-CR-1007-ALL

Before BARKSDALE, GARZA, and CLEMENT, Circuit Judges.

PER CURIAM:*

Armando Trevino-Salazar appeals his sentence following his guilty-plea conviction for possession with intent to distribute more than 50 grams of methamphetamine and more than 5 kilograms of cocaine. He argues that the district court clearly erred in denying him a minor-role adjustment to his offense level under U.S.S.G. § 3B1.2. Trevino-Salazar argues that he was a mere courier who was substantially less culpable than other participants in the offense.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

We review the district court's application of the Sentencing Guidelines de novo and review factual findings for clear error. See United States v. Villegas, 404 F.3d 355, 359 (5th Cir. 2005); United States v. Villanueva, 408 F.3d 193, 203 & n.9 (5th Cir.), cert. denied, 126 S. Ct. 268 (2005). Pursuant to § 3B1.2, a district court may decrease a defendant's offense level by two levels if the defendant was a minor participant. An adjustment for a minor role applies to a defendant "who is less culpable than most other participants, but whose role could not be described as minimal." § 3B1.2, cmt. n.5. The district court did not clearly err in denying Trevino-Salazar a minor-role adjustment. See United States v. Atanda, 60 F.3d 196, 199 (5th Cir. 1995).

AFFIRMED.