

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 16-41476
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

June 2, 2017

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ISMAEL ESPARZA,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 5:15-CR-1184-1

Before BENAVIDES, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:*

Ismael Esparza appeals the sentence imposed following his guilty plea conviction of conspiracy to transport unlawful aliens within the United States. He renews his preserved challenge to the district court's application of a two-level adjustment to his offense level pursuant to U.S.S.G. § 3B1.1(c) for his role as "an organizer, leader, manager, or supervisor" in the offense. "Whether a defendant exercised an aggravating role as an organizer, leader, manager, or

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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supervisor . . . is a finding of fact reviewed for clear error.” *United States v. Guzman-Reyes*, 853 F.3d 260, 265 (5th Cir. 2017) (internal quotation marks and citation omitted). “A factual finding is not clearly erroneous if it is plausible in light of the entire record.” *United States v. Perez*, 217 F.3d 323, 331 (5th Cir. 2000).

The presentence investigation report (PSR), which Esparza failed to rebut, establishes that he was identified as the leader of the alien-smuggling organization by Jose Maria Lozano, a co-conspirator. The PSR recited details corroborative of Esparza’s management or supervision of Lozano, including directing Lozano to take responsibility for a fatal car accident and to conceal Esparza’s involvement. We are not persuaded by Esparza’s contention that the facts in the PSR were too conclusory to support the offense-level adjustment or that the district court’s finding was implausible in light of the entire record. *Perez*, 217 F.3d at 331. Accordingly, the district court did not clearly err by applying the § 3B1.1(c) adjustment. *See Guzman-Reyes*, 853 F.3d at 265.

AFFIRMED.