

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

No. 17-40762
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

July 25, 2018

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JASON ARNEZ MARSHALL-BROOKS,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 5:16-CR-658-1

Before SMITH, WIENER, and WILLETT, Circuit Judges.

PER CURIAM:*

Defendant-Appellant Jason Arnez Marshall-Brooks appeals his sentence arising from his conviction for conspiracy to transport undocumented aliens into the United States. Marshall-Brooks argues that the district court erred in applying the U.S.S.G. § 3B1.3 enhancement because possession of a commercial driver's license does not qualify as a special skill. He contends that

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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no substantial training or special knowledge is required to obtain the license as compared to the other skills and professions listed in the Guideline.

The district court's application of the two-level enhancement under § 3B1.3 is a factual determination that we review for clear error. *United States v. Pruett*, 681 F.3d 232, 248 (5th Cir. 2012). There is no clear error if the district court's conclusion is plausible in light of the record as a whole. *United States v. Cisneros-Gutierrez*, 517 F.3d 751, 764 (5th Cir. 2008).

We have previously held that the ability to drive a tractor-trailer truck with a commercial driver's license qualifies as a special skill under § 3B1.3. Marshall-Brooks's challenge to the enhancement is thus unavailing. *See United States v. Villafranca*, 844 F.3d 199, 199 (5th Cir. 2016), *cert. denied*, 137 S. Ct. 1393 (2017).

AFFIRMED.