

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

No. 18-40301
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

March 25, 2019

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

EDGAR ARTEAGA-RIOS,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 2:17-CR-435-1

Before JONES, HIGGINSON, and WILLETT, Circuit Judges.

PER CURIAM:*

Edgar Arteaga-Rios appeals his sentence for possession with intent to distribute more than 100 kilograms of marijuana. He argues that he was entitled to a reduction in his sentence pursuant to § 3E1.1 of the Sentencing Guidelines because he accepted responsibility for his crime by timely pleading guilty and admitting his relevant conduct. Arteaga-Rios participated in an

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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assault on other inmates in the detention center in which he was being held awaiting sentencing.

The district court declined to award an adjustment for acceptance of responsibility because Arteaga-Rios had not voluntarily withdrawn from criminal conduct. *See* § 3E1.1, comment. (n.1(B)); *United States v. Watkins*, 911 F.2d 983, 985 (5th Cir. 1990). The district court's determination was not without foundation and was not plainly erroneous. *See Watkins*, 911 F.2d at 985; *United States v. Guerrero-Robledo*, 565 F.3d 940, 946 (5th Cir. 2009). The judgment of the district court is **AFFIRMED**.