

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

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No. 19-40379  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

January 7, 2020

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

PABLO ROLANDO GARCIA-SILVA, also known as Gaspar,

Defendant-Appellant

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 7:16-CR-876-4

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Before JOLLY, JONES, and SOUTHWICK, Circuit Judges.

PER CURIAM:\*

Pablo Rolando Garcia-Silva appeals the within-guidelines, 96-month sentence imposed following his guilty plea conviction for conspiracy to possess with intent to distribute five kilograms or more of cocaine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A), and 846. His sole argument on appeal is that the district court erred by denying his request for a minor role adjustment under U.S.S.G. § 3B1.2.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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Whether a defendant is a minor participant under § 3B1.2 is a factual question reviewed for clear error. *United States v. Gomez-Valle*, 828 F.3d 324, 327 (5th Cir. 2016). “A factual finding is not clearly erroneous if it is plausible in light of the record read as a whole.” *Id.* (internal quotation marks and citation omitted).

The district court found that Garcia-Silva was at least an average participant and that finding is plausible in light of the record as a whole. *See id.* Thus, the district court did not clearly err in finding that Garcia-Silva was not a minor participant and denying his request for a mitigating role adjustment. *See id.*; *United States v. Villanueva*, 408 F.3d 193, 204 (5th Cir. 2005).

The district court’s judgment is therefore AFFIRMED.