

United States Court of Appeals for the Fifth Circuit

No. 23-50276
Summary Calendar

United States Court of Appeals
Fifth Circuit
FILED
December 19, 2023

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JUAN RICARDO MARTINEZ,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 4:22-CR-619-2

Before ELROD, OLDHAM, and WILSON, *Circuit Judges.*

PER CURIAM:*

Juan Ricardo Martinez appeals the sentence imposed for aiding and abetting the possession with intent to distribute 500 grams or more of methamphetamine. He challenges the district court's application of the sentencing guidelines enhancement for having an aggravating role in the offense.

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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“Whether a defendant exercised an aggravating role as an organizer, leader, manager, or supervisor for purposes of an adjustment under U.S.S.G. § 3B1.1(c) is a finding of fact reviewed for clear error.” *United States v. Ochoa-Gomez*, 777 F.3d 278, 281 (5th Cir. 2015). At sentencing, Martinez conceded that he recruited two individuals to accompany him. The district court found that Martinez had been offered the opportunity to transport the methamphetamine initially and that the two others were involved in the offense only because Martinez offered them the opportunity to join. These findings are plausible based on the record as a whole and not clearly erroneous. *See United States v. Zuniga*, 720 F.3d 587, 590 (5th Cir. 2013). The district court did not clearly err in finding that the § 3B1.1(c) enhancement applied. *See Ochoa-Gomez*, 777 F.3d at 281.

AFFIRMED.