

# United States Court of Appeals for the Fifth Circuit

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No. 24-30487  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

May 27, 2025

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

ANTHONY DEON POUNCY,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 5:22-CR-282-1

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Before DENNIS, HO, and OLDHAM, *Circuit Judges*.

PER CURIAM:\*

Anthony Deon Pouncy pleaded guilty to conspiracy to possess with intent to distribute cocaine and crack cocaine. The district court imposed a sentence of 199 months of imprisonment and five years of supervised release. Pouncy argues that the district court erred in applying the four-level upward adjustment pursuant to U.S.S.G. § 3B1.1(a). The district court's

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

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determination that a defendant is a leader or organizer pursuant to § 3B1.1(a) is a factual finding that we review for clear error. *See United States v. Cabrera*, 288 F.3d 163, 173 (5th Cir. 2002). A factual finding is not clearly erroneous if it is plausible based on the record as a whole. *United States v. Zuniga*, 720 F.3d 587, 590 (5th Cir. 2013).

Section 3B1.1(a) provides for a four-level increase “[i]f the defendant was an organizer or leader of a criminal activity that involved five or more participants or was otherwise extensive.” U.S.S.G. § 3B1.1(a). Pouncy does not contest specifically any of the facts alleged in the presentence report (PSR) or in the testimony at sentencing but argues that the evidence does not support the district court’s ultimate determination that he was a leader or organizer. The district court concluded that Pouncy had organized the sales of cocaine to his codefendants even though he did not direct the subsequent sale of the cocaine to others. The district court’s finding that Pouncy was a leader or organizer under § 3B1.1(a) is plausible in the light of the record as a whole. *See Zuniga*, 720 F.3d at 590.

The judgment of the district court is AFFIRMED.