

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 92-2453  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

VICENTE GALLEGU-TABARES,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. CR-H-91-0126-02  
- - - - -

March 16, 1993

Before KING, HIGGINBOTHAM, and DAVIS, Circuit Judges.

PER CURIAM:\*

The presentence report (PSR) reflects a finding that Vicente Gallego-Tabares (Gallego) was of roughly equal culpability with the other defendants in this case. The sentencing court adopted this finding, and Gallego never objected regarding this issue. After reviewing the record, we find that the district court's failure to find that Gallego was a minor or minimal participant in the crimes for which he was convicted does not amount to plain error. See United States v. Surasky, 974 F.2d 19, 20 (5th Cir. 1992). Gallego's first argument, therefore, lacks merit.

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\* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

Gallego also argues that the district court's reasons for imposing his sentence are not adequate. See 18 U.S.C. § 3553(c) (district court must give reasons for choosing sentence within sentencing range if range exceeds twenty-four months). In this case, Gallego received a sentence of 151 months from a guideline range of 121-151 months. The district court explained that it imposed that sentence because of the presence of a firearm during the commission of the crimes and because Gallego was involved with another drug-trafficking and money-laundering group during the same period as the commission of these crimes. After reviewing the record, we conclude that the district court's reasons for imposing the sentence do not amount to error, plain or otherwise reversible.

AFFIRMED.