

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 92-8338  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ARTURO CRUZ-VALDEZ,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. EP-92-CR-43-B  
- - - - -

June 24, 1993

Before POLITZ, Chief Judge, WIENER, and DeMOSS, Circuit Judges.

PER CURIAM:\*

Factual findings underlying the district court's imposition of criminal sentences are reviewed under a "clearly erroneous" standard. United States v. Mejia-Orosco, 867 F.2d 216, 221 (5th Cir.), cert. denied, 492 U.S. 924 (1989). Whether a participant in a criminal endeavor should be accorded minor-role status is a factual determination entitled to great deference. United States v. Devine, 934 F.2d 1325, 1340 (5th Cir.), cert. denied, 112 S.Ct. 349 (1991).

Arturo Cruz-Valdez's assertion that he is entitled to the

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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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

reduction because he was not as culpable as the recruiter is without merit. There was no proof other than his own testimony that anyone else was involved in the scheme, and no one else was indicted. Therefore, the district court's decision to deny the reduction is not clearly erroneous; the sentence is AFFIRMED.