

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-11105  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

EVERARDO DENIZ-MORFIN, also  
known as Everado Deniz Morfin,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:96-CR-031-A-1  
- - - - -

June 18, 1997

Before SMITH, STEWART, and DENNIS, Circuit Judges.

PER CURIAM:\*

Everardo Deniz-Morfin argues the district court should have granted him a two-point reduction in his offense level on the basis that he was a minor participant in the conspiracy. The district court's denial of appellant's objection did not contain an individual recitation of the factual basis for its denial. However, the findings in the presentence investigation, the

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

addendum to the presentence report, and at sentencing were clear enough that this court was not left to "second-guess" the basis for that sentencing decision. See *United States v. Carreon*, 11 F.3d 1225, 1231 (5th Cir. 1994). The record supports the district court's finding that appellant was not substantially less culpable than the average participant. There is no clear error in the decision not to award a two-level reduction. See *United States v. Davis*, 19 F.3d 166, 171 (5th Cir. 1994).

AFFIRMED.