

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-20838
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

WILSON GARCIA,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-97-CR-102-1
- - - - -

June 17, 1998

Before DAVIS, PARKER, and DENNIS, Circuit Judges.

PER CURIAM:*

Wilson Garcia appeals his sentence from his guilty-plea conviction for possession with intent to distribute heroin, 21 U.S.C. § 841(a)(1) and § 841(1)(B)(i). Garcia argues that he is entitled to a two-level adjustment in his offense level under U.S.S.G. § 3B1.2. Although Garcia was only a mule, his role was integral to the entire scheme and was more than peripheral. See United States v. Edwards, 65 F.3d 430, 434 (5th Cir. 1995)(a defendant whose participation is limited to delivering drugs may

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

not necessarily, despite his more limited role in the conspiracy, be eligible for a reduction of his offense level under § 3B1.2); United States v. Tremelling, 43 F.3d 148, 153 (5th Cir. 1995). Further, Garcia has not carried his burden of proving by a preponderance of the evidence that he is entitled to a role reduction. See United States v. Zuniga, 18 F.3d 1254, 1261 (5th Cir. 1994). Accordingly, the district court did not clearly err in finding that Garcia was not entitled to a two-level adjustment as a minor participant. See United States v. Flucas, 99 F.3d 177, 178 (5th Cir. 1996), cert. denied, 117 S. Ct. 1097 (1997); Zuniga, 18 F.3d at 1261.

AFFIRMED.