

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-50845  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

LUIS RICO-URITA,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. P-98-CR-53-1  
- - - - -

April 6, 1999

Before DAVIS, DUHE', and PARKER, Circuit Judges.

PER CURIAM:\*

Luis Rico-Urita appeals the sentence he received after he pleaded guilty to importing marijuana and possessing marijuana with intent to distribute. Rico argues that the district court's determination that there was no evidence of a larger drug smuggling operation was clearly erroneous. Rico also argues that the district court misapplied U.S.S.G. § 3B1.2 when it stated that Rico failed to show that he was "less culpable than any

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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other drug courier." Rico, however, failed to meet his burden of proving, by a preponderance of the evidence, his reduced role in the offense. United States v. Zuniga, 18 F.3d 1254, 1261 (5th Cir. 1994).

AFFIRMED.