

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-20049
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

LUIS EDUARDO ESPINOSA-OSSA,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-01-CR-555-1

September 23, 2002

Before JOLLY, JONES and PARKER, Circuit Judges.

PER CURIAM:*

Luis Eduardo Espinosa-Ossa appeals his sentence following his guilty-plea conviction of one count of possession of one kilogram or more of heroin with intent to distribute. He argues that the district court committed reversible error in denying his request for a downward adjustment to his offense level based on his allegedly minor role in the offense of conviction pursuant to U.S.S.G. § 3B1.2. He contends that the district court erred in

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

basing its denial of his request for this adjustment on the mere fact that he had a prior conviction for a similar offense.

A district court's determination of a defendant's role in the offense is a factual finding that this court reviews for clear error. United States v. Deavours, 219 F.3d 400, 404 (5th Cir. 2000). Further, the district court's refusal to grant a U.S.S.G. § 3B1.2 reduction is entitled to great deference. United States v. Devine, 934 F.2d 1325, 1340 (5th Cir. 1991).

The district court based its decision to deny this request on its determination that Espinosa-Ossa was a particularly sophisticated courier who played an integral part in the operation. Espinosa-Ossa has not shown that the district court clearly erred in making this determination and denying his request for a U.S.S.G. § 3B1.2 adjustment. See U.S.S.G. § 3B1.2; see also United States v. Miranda, 248 F.3d 434, 446-47 (5th Cir. 2001); United States v. Pofahl, 990 F.2d 1456, 1485 (5th Cir. 1993). The judgment of the district court is AFFIRMED.