

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

May 16, 2018

Lyle W. Cayce
Clerk

No. 17-11048
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

VICTOR VALDEZ-RODRIGUEZ,

Defendant-Appellant

Appeals from the United States District Court
for the Northern District of Texas
USDC No. 4:17-CR-56-3

Before JOLLY, OWEN, and HAYNES, Circuit Judges.

PER CURIAM:*

Victor Valdez-Rodriguez appeals the 87-month within-guidelines sentence imposed following his conviction for conspiracy to possess with the intent to distribute cocaine. Valdez-Rodriguez challenges the district court's finding on the amount of cocaine for which he was held responsible at sentencing, asserting that the information contained in the Presentence Report (PSR) was uncorroborated and unreliable.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 17-11048

We review the district court's application of the Guidelines de novo and its factual findings for clear error. *See United States v. Trujillo*, 502 F.3d 353, 356 (5th Cir. 2007). The district court's determination of drug quantity for purposes of sentencing is a factual finding that will be upheld unless it is not plausible in light of the entire record. *United States v. Alaniz*, 726 F.3d 586, 618 (5th Cir. 2013).

Valdez-Rodriguez did not present any evidence to contradict the information in the PSR or to show that the information was unreliable. *See United States v. Harris*, 702 F.3d 226, 230 (5th Cir. 2012) (stating that defendant has the burden of presenting rebuttal evidence demonstrating that information in the PSR is unreliable). His objection to the drug-quantity finding was not rebuttal evidence. *See Alaniz*, 726 F.3d 586, 619 (5th Cir. 2013). Thus, his argument challenging the reliability of the PSR is conclusory and unsupported. In light of the information contained in the PSR, the Addendum, and the entire record, the district court's factual finding regarding drug quantity was plausible and not clearly erroneous. *See Alaniz*, 726 F.3d at 618.

The judgment of the district court is AFFIRMED.