

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

United States Court of Appeals  
Fifth Circuit

**FILED**

March 10, 2020

Lyle W. Cayce  
Clerk

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No. 19-50661  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

RANDY RAY GARCIA,

Defendant-Appellant

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 2:18-CR-1064-1

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Before JOLLY, JONES, and SOUTHWICK, Circuit Judges.

PER CURIAM:\*

Randy Ray Garcia appeals his 24-month sentence for conspiracy to transport aliens within the United States and transporting an alien within the United States for financial gain, in violation of 8 U.S.C. § 1324(a)(1)(A)(ii), (A)(v)(I), and (B)(i). He asserts that the district court plainly erred by determining that he was not entitled to a three-level decrease to his offense level for acceptance of responsibility under U.S.S.G. § 3E1.1.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 19-50661

Garcia fails to show error, plain or otherwise. He pleaded guilty on the day set for trial, refused to admit all his conduct, and frivolously contested relevant conduct that the district court determined to be true. These factors support the denial of a reduction for acceptance of responsibility. *See* § 3E1.1 comment. (n.1); *United States v. Medina-Anicacio*, 325 F.3d 638, 648 (5th Cir. 2003); *United States v. Diaz*, 39 F.3d 568, 571 (5th Cir. 1994).

Accordingly, the judgment of the district court is AFFIRMED.