

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

October 29, 2025

Lyle W. Cayce
Clerk

No. 24-20232
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

RAMON LARA VALENCIA,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:22-CR-232-8

Before JONES, DUNCAN, and DOUGLAS, *Circuit Judges*.

PER CURIAM:*

Ramon Lara Valencia appeals the sentence imposed following his guilty plea conviction for conspiracy to possess with the intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine. He argues that the district court clearly erred by failing to award him a mitigating role adjustment, pursuant to

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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U.S.S.G. § 3B1.2(b), asserting that he was a minor participant in the conspiracy. Whether a defendant was a minor participant under U.S.S.G § 3B1.2 is a factual determination that we review for clear error. *United States v. Castro*, 843 F.3d 608, 612 (5th Cir. 2016). “A factual finding is not clearly erroneous if it is plausible in light of the record read as a whole.” *Id.* (citation modified).

Here, the record does not indicate that Lara Valencia was “peripheral” to the furtherance of the conspiracy between him and the codefendants engaged in the trafficking activities on November 4, 2021, and November 12, 2021. *See United States v. Perez-Solis*, 709 F.3d 453, 471 (5th Cir. 2013) (quoting *United States v. Martinez-Larraga*, 517 F.3d 258, 272 (5th Cir. 2008)). Instead, the record reflects that Lara Valencia delivered and attempted to deliver multiple kilograms of methamphetamine, communicated the delivery locations to his codefendants, and called off a delivery after noticing the presence of law enforcement. Further, the home occupied by Lara Valencia contained a methamphetamine conversion lab, and actual methamphetamine was found in Lara Valencia’s vehicle and residence. Accordingly, in light of the record as a whole, it is plausible that Lara Valencia was not a minor participant in the conspiracy, but rather an average participant. *See Castro*, 843 F.3d at 612; U.S.S.G. § 3B1.2, cmt. n. 3(C)(i)-(v).

AFFIRMED.