

United States Court of Appeals
for the Fifth Circuit

No. 23-50789
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

July 31, 2024

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

CHERAKEE LEE PEREZ,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 4:23-CR-40-1

Before JOLLY, GRAVES, and OLDHAM, *Circuit Judges.*

PER CURIAM:*

Cherakee Lee Perez appeals from the 168-month term of imprisonment imposed following her guilty plea conviction for possession with intent to distribute 500 grams or more of methamphetamine and 400 grams or more of fentanyl. On appeal, she argues that the district court

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

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reversibly erred by denying her request for a minor role adjustment pursuant to U.S.S.G. § 3B1.2.

Perez contends that she should have received a minor role adjustment because she was substantially less culpable than the average participant and that she was merely a courier, which the Guidelines commentary uses as an example of a less culpable participant. *See* U.S.S.G. § 3B1.2, comment. (n.3(A)). Our review of this issue is for clear error. *See United States v. Torres-Hernandez*, 843 F.3d 203, 207 (5th Cir. 2016). In view of the record as a whole, Perez did not show that she was substantially less culpable than the average participant. *See* U.S.S.G. § 3B1.2, comment. (nn.3 & 5); *United States v. Bello-Sanchez*, 872 F.3d 260, 264-65 (5th Cir. 2017).

AFFIRMED.