

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

May 9, 2008

No. 07-10799
Summary Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

MARIO ALBERTO JAUREGUI-BALDERRAMA

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:06-CR-208-ALL

Before WIENER, GARZA, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Mario Alberto Jauregui-Balderrama (Jauregui) appeals the sentence imposed following his guilty plea to possession with intent to distribute cocaine. He argues that the district court clearly erred in denying him a two-level adjustment pursuant to U.S.S.G. § 3B1.2 for his self-described minor role in the offense as a courier.

Whether a defendant was a minimal or minor participant is a factual determination that will not be held clearly erroneous unless it is implausible 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

light of the record as a whole. *United States v. Villanueva*, 408 F.3d 193, 203 (5th Cir. 2005). According to the presentence report, Jauregui purchased a pick-up truck from his drug supplier, consented to the installation of a hidden compartment in the vehicle, loaned the vehicle to his supplier six to seven times within a year, and was to be paid \$4,000 for transporting almost 10 kilograms of cocaine. In light of these facts, the district court did not clearly err in denying him a minor-role adjustment. See *United States v. Miranda*, 248 F.3d 434, 446-47 (5th Cir. 2001).

AFFIRMED.