

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

April 15, 2008

No. 07-50787
Conference Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

CHRISTOPHER SHANNON LAFAYELLE

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:99-CR-483-ALL

Before PRADO, OWEN, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Christopher Shannon Lafayelle appeals his sentence following his guilty plea conviction for possessing with intent to distribute a quantity of marijuana. He argues that the district court clearly erred in denying him a minor-role adjustment under U.S.S.G. § 3B1.2(b). Lafayelle contends that he was a mere courier who was substantially less culpable than other participants in the offense.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

We review the district court's determination of a defendant's role in the offense for clear error. *United States v. Villanueva*, 408 F.3d 193, 203 n.9 (5th Cir. 2005). To be eligible for a minor-role adjustment, a defendant "must have been peripheral to the advancement of the illicit activity." *United States v. Miranda*, 248 F.3d 434, 447 (5th Cir. 2001). In light of Lafayette's actual involvement in possessing and transporting a distributable quantity of marijuana, the district court did not clearly err in denying an adjustment for a minor role in the offense. See *United States v. Atanda*, 60 F.3d 196, 199 (5th Cir. 1995); *United States v. Gallegos*, 868 F.2d 711, 712-13 (5th Cir. 1989). Accordingly, the judgment of the district court is AFFIRMED.