

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

United States Court of Appeals
Fifth Circuit

FILED

April 17, 2009

Charles R. Fulbruge III
Clerk

No. 08-40705
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

BOBBY ROGERS

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:05-CR-988-ALL

Before GARWOOD, JOLLY and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Bobby Rogers pleaded guilty to one count of importing approximately 15 kilograms of methamphetamine in violation of 21 U.S.C. §§ 952, 960 and 18 U.S.C. § 2. The district court sentenced Rogers to 235 months of imprisonment. Rogers now appeals his sentence. Rogers argues that the district court erred in denying him a two-level reduction in his offense level for his minor role in the offense pursuant to U.S.S.G. § 3B1.2(b).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Rogers's argument that he qualified for the minor participant adjustment because he was a mere courier of drugs is unavailing. *See United States v. Edwards*, 65 F.3d 430, 434 (5th Cir. 1995); *United States v. Pofahl*, 990 F.2d 1456, 1485 (5th Cir. 1993). Rather, such a role is "an indispensable part" of drug related offenses. *See United States v. Buenrostro*, 868 F.2d 135, 138 (5th Cir. 1989). The district court denied the reduction because of the amount of drugs, preparation, and planning involved in the offense and because there was no evidence that anyone else participated in the transaction. The district court's determination concerning Rogers's role in the offense is plausible in light of the record and thus is not clearly erroneous. *See* § 3B1.2 comment. n.(3(C)); *United States v. Cisneros-Gutierrez*, 517 F.3d 751, 764 (5th Cir. 2008); *United States v. Villanueva*, 408 F.3d 193, 203-04 (5th Cir. 2005).

The judgment of the district court is **AFFIRMED**