

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 95-11195  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

WALTER LEE MCGRUDER,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:94-CR-111-P  
- - - - -

August 30, 1996

Before KING, JOLLY, and PARKER, Circuit Judges.

PER CURIAM:\*

Walter Lee McGruder argues that the district court misapplied the guidelines in determining that he was not entitled to an adjustment of his offense level for his minor role in the offense.

We have reviewed the record, including the trial and sentencing transcripts, the presentence report and McGruder's objections thereto, and the briefs, and find that the district

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

court's properly applied the guidelines and did not commit clear error in denying McGruder an adjustment for his minor role in the offense. The district court did not rely solely on the relative culpability of McGruder in light of the acts of the co-participants. Further, the evidence presented at trial showed that McGruder initiated the kickback scheme and remained actively involved in the scheme to obtain additional business for his company, C&A Electronics. The district court did not err in denying the adjustment to McGruder's offense level based on his minor role in the offense. See U.S.S.G. § 3B1.2.

AFFIRMED.