

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-30975
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DAVID TURNER,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 95-CR-156-J
- - - - -

August 22, 1996

Before KING, DUHÉ, and DeMOSS, Circuit Judges.

PER CURIAM:*

David Turner appeals the sentence following his guilty-plea conviction to conspiracy to import marihuana and importation of marihuana. Turner contends that the district court erred by denying him a downward adjustment for acceptance of responsibility and by declining to consider him a minimal or minor participant. Because Turner attempted to minimize his participation in the offenses of conviction, the district court

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

did not clearly err by denying him a downward adjustment for acceptance of responsibility. See United States v. Wilder, 15 F.3d 1292, 1299 (5th Cir. 1994). Because the offense conduct demonstrates that Turner was more culpable than he indicated, the district court did not clearly err by declining to award him a downward adjustment for being a minor or minimal participant. See United States v. Zuniga, 18 F.3d 1254, 1261 (5th Cir.), cert. denied, 115 S. Ct. 214 (1994).

AFFIRMED.