

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

No. 98-30097
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

PRAYGENE SIMPSON,

Defendant-Appellant.

Appeal from the United States District Court
For the Western District of Louisiana
(97-CR-20011-ALL)

September 21, 1998

Before POLITZ, Chief Judge, HIGGINBOTHAM and SMITH, Circuit Judges.

PER CURIAM:*

Convicted on a guilty plea of possession with intent to distribute approximately 856 grams of crack cocaine, Praygene Simpson appeals his sentence, contending that the district court erred in failing to decrease his offense level for his minor or minimal role in the offense as prescribed by U.S.S.G. § 3B1.2.

The presentence report, accepted by the district court, reflects that Simpson was fully aware that he was assisting in drug smuggling at the time of his initial

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

participation, and that he knowingly and intentionally transported crack cocaine in the vehicle he was driving. The record is devoid of any proof that Simpson was substantially less culpable than the other participants.

Our review of the record, presentence report, and briefs of the parties does not persuade that the district court clearly erred in declining to make a downward adjustment in the offense level on the grounds that Simpson's involvement in the offense was minor or minimal.¹

The conviction and sentence are AFFIRMED.

¹ **United States v. Brown**, 54 F.3d 234 (5th Cir. 1995).