

October 24, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-50974
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

WILLIAM FREDERICK JARVIS,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:04-CR-2644-ALL

Before JOLLY, DeMOSS, and STEWART, Circuit Judges.

PER CURIAM:*

William Frederick Jarvis appeals his sentence following his guilty-plea conviction for importation of 50 kilograms or more of marijuana and for possession with intent to distribute 50 kilograms or more of marijuana in violation of 21 U.S.C. §§ 841, 952, and 960. He argues that the district court clearly erred in denying him a minor role adjustment to his offense level under U.S.S.G. § 3B1.2. Jarvis 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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 application of the Sentencing Guidelines de novo and review factual findings for clear error. See United States v. Villegas, 404 F.3d 355, 359 (5th Cir. 2005); United States v. Villanueva, 408 F.3d 193, 203 & n.9 (5th Cir.), cert. denied, 126 S. Ct. 268 (2005). Pursuant to U.S.S.G. § 3B1.2, a district court may decrease a defendant's offense level by two levels if the defendant was a minor participant. An adjustment for a minor role applies to a defendant "who is less culpable than most other participants, but whose role could not be described as minimal." § 3B1.2, comment. (n.5).

The district court did not clearly err in denying Jarvis a minor role adjustment. See United States v. Atanda, 60 F.3d 196, 199 (5th Cir. 1995); United States v. Buenrostro, 868 F.2d 135, 137-38 (5th Cir. 1989); United States v. Nevarez-Arreola, 885 F.2d 243, 245 (5th Cir. 1989). The district court's judgment is AFFIRMED.