

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

December 11, 2007

No. 06-40261
Conference Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

RAUL GONZALEZ-TORRES

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 5:05-CR-1452-2

Before REAVLEY, BARKSDALE, and GARZA, Circuit Judges.

PER CURIAM:*

Raul Gonzalez-Torres pleaded guilty to conspiring to possess with intent to distribute over 100 kilograms of marijuana. He argues that the district court erred by denying him a safety valve adjustment pursuant to U.S.S.G. § 5C1.2. Of the five criteria for a § 5C1.2 adjustment, the only one at issue here is the requirement that the defendant truthfully provide the Government with all the information and evidence he has concerning the offense. See § 5C1.2(a)(5). The

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

district court heard directly from Gonzalez-Torres and concluded that his story, including that a man he barely knew asked him to transport approximately 200 kilograms of marijuana on the spur of the moment, was incredible. The district court's credibility determination, which is entitled to deference, was not clearly erroneous. See *United States v. McCrimmon*, 443 F.3d 454, 457-58 (5th Cir.), cert. denied, 547 U.S. 1120 (2006); *United States v. Cabalt*, 266 F.3d 358, 364 (5th Cir. 2001).

AFFIRMED.