

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

December 14, 2007

Charles R. Fulbruge III
Clerk

No. 06-41465
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

RANDALL JAY ADDISON

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 5:06-CR-581-ALL

Before REAVLEY, SMITH, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Randall Jay Addison appeals the 24-month sentence imposed following his plea of guilty to transporting illegal aliens for financial gain. We affirm.

He contends that he was entitled to an offense level reduction for playing a minor role in the offense. Although Addison might have played a relatively minor role in a larger conspiracy to smuggle aliens, he fails to show that his role was minor in relation to the limited conduct of transporting the aliens for which

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

he was held accountable. See *United States v. Garcia*, 242 F.3d 593, 598 (5th Cir. 2001); *United States v. Buenrostro*, 868 F.2d 135, 138 (5th Cir. 1989) (noting that one who merely transports contraband is not entitled to reduction). The district court did not commit clear error by refusing to reduce Addison's offense level.

Addison contends that he should have received a downward departure from the guidelines range because his criminal history was overrepresented. This court lacks authority to review the district court's refusal to depart downward from the advisory guidelines range because the decision was not based upon any erroneous belief that the district court lacked the authority to depart. See *United States v. Hernandez*, 457 F.3d 416, 424 n.5 (5th Cir. 2006).

Addison contends that his sentence was unreasonable. Addison has not rebutted the presumption that his sentence at the low end of the advisory guidelines range was reasonable. See *United States v. Alonzo*, 435 F.3d 551, 554 (5th Cir. 2006); see also *Rita v. United States*, 127 S. Ct. 2456, 2462-63 (2007)

The judgment of the district court is AFFIRMED.