

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

United States Court of Appeals  
Fifth Circuit

**FILED**

October 21, 2009

No. 08-51124  
Summary Calendar

Charles R. Fulbruge III  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

GENARO CENICEROS,

Defendant-Appellant

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 3:08-CR-1209-1

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Before KING, STEWART and HAYNES, Circuit Judges.

PER CURIAM:\*

Genaro Ceniceros pleaded guilty to importing and possessing with intent to distribute marijuana. The district court sentenced Ceniceros to 21 months of imprisonment, a term at the bottom of the guidelines range. Ceniceros appeals his sentence, arguing that he was entitled to a two-level reduction in his offense level under U.S.S.G. § 3B1.2(b) as a minor participant in the drug-trafficking operation.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Ceniceros has not met his burden to establish that he played only a minor role in the offense. *See Burton v. United States*, 237 F.3d 490, 503 (5th Cir. 2000). Ceniceros's sentence was based entirely on the conduct that he was directly involved in and the quantity of drugs that he personally transported; thus, a minor-role adjustment was not required even if he played only a small part in a large enterprise. *See United States v. Garcia*, 242 F.3d 593, 598-99 (5th Cir. 2001); *United States v. Atanda*, 60 F.3d 196, 199 (5th Cir. 1995). In any event, Ceniceros's argument that he should have received the adjustment because he was merely a drug courier with little knowledge of the smuggling operation is unavailing. A courier is often "indispensable" to a drug-smuggling operation, *United States v. Buenrostro*, 868 F.2d 135, 138 (5th Cir. 1989), and thus is not automatically entitled to a minor-role adjustment. *United States v. Jenkins*, 487 F.3d 279, 282 (5th Cir. 2007). Ceniceros's role in transporting over 25 kilograms of drugs across the border was more than peripheral; therefore, the district court did not clearly err in finding that he was not a minor participant. *See United States v. Villanueva*, 408 F.3d 193, 203-04 (5th Cir. 2005).

The judgment of the district court is AFFIRMED.