

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

United States Court of Appeals
Fifth Circuit

FILED

October 21, 2009

Charles R. Fulbruge III
Clerk

No. 08-51124

Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

GENARO CENICEROS,

Defendant-Appellant

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

Before KING, STEWART and HAYNES, Circuit Judges.

PER CURIAM:*

Genaro Cenicerros pleaded guilty to importing and possessing with intent to distribute marijuana. The district court sentenced Cenicerros to 21 months of imprisonment, a term at the bottom of the guidelines range. Cenicerros 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.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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