

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

F I L E D

October 1, 2009

No. 09-40078
Summary Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ALEJANDRO GARCIA JIMENEZ, also known as Alejandro Jimenez Garcia,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 2:08-CR-564-1

Before DAVIS, SMITH and DENNIS, Circuit Judges.

PER CURIAM:*

Alejandro Garcia Jimenez pleaded guilty to possession with intent to distribute cocaine in violation of 21 U.S.C. § 841(a) & (b). He was sentenced to 90 months in prison and 4 years of supervised release. Jimenez now appeals his sentence. Jimenez argues that the district court erred in denying him a two-level reduction to his offense level for his minor role in the offense pursuant to U.S.S.G. § 3B1.2(b).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Jimenez's argument that he qualified for the minor participant adjustment because he was a mere courier of drugs is unavailing. *See United States v. Edwards*, 65 F.3d 430, 434 (5th Cir. 1995); *United States v. Pofahl*, 990 F.2d 1456, 1485 (5th Cir. 1993). Rather, such a role is "an indispensable part" of drug related offenses. *See United States v. Buenrostro*, 868 F.2d 135, 138 (5th Cir. 1989). In fact, Jimenez conceded after his arrest that he had been involved with the transportation of cocaine from Mexico to the United States on five to six different occasions and that he had transported currency. The district court's determination concerning Jimenez's role in the offense is plausible in light of the record and thus is not clearly erroneous. *See* § 3B1.2 comment. n.(3(C)); *United States v. Cisneros-Gutierrez*, 517 F.3d 751, 764 (5th Cir. 2008); *United States v. Villanueva*, 408 F.3d 193, 203-04 (5th Cir. 2005).

The judgment of the district court is AFFIRMED.