

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

January 4, 2011

Lyle W. Cayce
Clerk

No. 10-40400
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

REYNALDO GONZALES,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:09-CR-1240-1

Before REAVLEY, DENNIS, and CLEMENT, Circuit Judges.

PER CURIAM:*

Reynaldo Gonzales appeals his 57-month sentence imposed following his guilty plea conviction for possession with intent to distribute marijuana. He argues that the district court erred by denying him a mitigating role adjustment.

The district court did not clearly err in denying the mitigating role adjustment. *See United States v. Villanueva*, 408 F.3d 193, 203 n.9 (5th Cir. 2005). Gonzales arranged for a driver to transport marijuana and remained in contact with the driver while he transported it. After the load was allegedly

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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seized, Gonzales requested proof of the seizure. Thus, it cannot be said that Gonzales's involvement in the offense was peripheral to the advancement of the illicit activity. *See id.* at 204. Accordingly, the judgment of the district court is **AFFIRMED**.