

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

United States Court of Appeals
Fifth Circuit

FILED

December 11, 2012

Lyle W. Cayce
Clerk

No. 11-10743
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MICHAEL R. ROUSE,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:09-CR-113-1

Before REAVLEY, JOLLY, and DAVIS, Circuit Judges.

PER CURIAM:*

Michael R. Rouse appeals the sentence imposed following his jury convictions for conspiracy to commit securities fraud, mail fraud, and money laundering (Count 1), and aiding and abetting securities fraud (Counts 2 and 3), mail fraud (Counts 4-8), and money laundering (Count 9). As his sole issue on appeal, Rouse argues that the district court clearly erred in finding that the offense involved sophisticated means, pursuant to U.S.S.G. § 2B1.1(b)(9)(C) (Nov. 2010).

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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The determination that the offense involved sophisticated means is a factual finding that we review for clear error. *United States v. Conner*, 537 F.3d 480, 492 (5th Cir. 2008). “A factual finding is not clearly erroneous as long as it is plausible in light of the record as a whole.” *United States v. Betancourt*, 422 F.3d 240, 246 (5th Cir. 2005) (internal quotation marks and citation omitted). Our review reveals that the district court did not clearly err in finding that the offense involved sophisticated means. *See* U.S.S.G. § 2B1.1, comment. (n.8 (B)); *United States v. Clements*, 73 F.3d 1330, 1340 (5th Cir. 1996).

AFFIRMED.