

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

No. 13-40773
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 27, 2014

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

FRANCISCO SIERRA,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:07-CR-293

Before REAVLEY, DENNIS, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Francisco Sierra challenges the 200-month term of imprisonment imposed following his guilty plea conviction for possession with intent to distribute approximately 1,234 kilograms of marijuana. As in the district court, Sierra contends that he was entitled to a mitigating role adjustment pursuant to U.S.S.G. § 3B1.2 because his role in the offense was limited to driving a tractor-trailer containing marijuana. Additionally, Sierra contends

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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that, in denying a role reduction, the district court improperly considered his prior criminal convictions as relevant conduct.

The role adjustments of § 3B1.2 are not available to defendants sentenced under U.S.S.G. § 4B1.1. *See United States v. Cashaw*, 625 F.3d 271, 274 (5th Cir. 2010). Because Sierra's offense level was calculated under § 4B1.1, we find no error. *See id.*

The judgment of the district court is AFFIRMED.