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IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 14-10585
Summary Calendar

United States Court of Appeals
Fifth Circuit
FILED
March 13, 2015
Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

SERGIO CONTRERAS,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:13-CR-266-1

Before PRADO, OWEN, and GRAVES, Circuit Judges.

PER CURIAM:*

Sergio Contreras appeals the 60-month sentence imposed for his conviction for possession with intent to distribute 500 grams or more of cocaine. He contends that the district court erred in denying him a safety-valve reduction.

We review the district court's findings of fact for clear error and its legal conclusions de novo. *United States v. Miller*, 179 F.3d 961, 963-64 (5th Cir.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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1999). We need not decide whether to apply plain error review because Contreras's claim of error fails even under the ordinary standard of review.

A defendant may receive a two-level reduction in his offense level if he, inter alia, provides truthful information to the Government concerning the offense of conviction. *See* U.S.S.G. §§ 2D1.1(b)(16) (2013), 5C1.2(a)(5); 18 U.S.C. § 3553(f)(5). Contrary to Contreras's argument, *Miller* does not preclude us from concluding that Contreras's untruthfulness about the source of cocaine in the instant offense independently justify the denial of the safety-valve reduction so long as there is evidence that Contreras lied. *See Miller*, 179 F.3d at 967-69. The district court's finding that Contreras was not truthful was plausible in light of the record as a whole and not clearly erroneous. *See United States v. Montes*, 602 F.3d 381, 384 (5th Cir. 2010).

The judgment of the district court is AFFIRMED.