

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

No. 17-40893
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

June 20, 2018

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MELVIN NOEL VASQUEZ,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:17-CR-436-2

Before WIENER, DENNIS, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Defendant-Appellant Melvin Noel Vasquez appeals his sentence arising out of his conviction for possession with intent to distribute 500 grams or more of methamphetamine. He claims that the district court erred by not granting him a four-level reduction under U.S.S.G. § 3B1.2 for being a minimal participant.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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Whether a defendant was a minor or minimal participant in criminal activity is a factual finding that this court reviews for clear error. *See United States v. Sanchez-Villarreal*, 857 F.3d 714, 721 (5th Cir. 2017). A factual finding is not clearly erroneous if it is plausible in view of the record as a whole. *Id.*

Vasquez conceded to being a courier for the operation, participating in at least three drug deliveries over a one-month period, arranging for the delivery of the methamphetamine in this case, and receiving \$100 for each completed delivery. The district court's conclusion that Vasquez was not a minimal participant is plausible in light of the record as a whole. *See id.* That court's denial of a mitigating role adjustment was not clearly erroneous. *See id.*

AFFIRMED.