

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 06-4108**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

VALENTE CRUZ-BACHO,

Defendant - Appellant.

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Appeal from the United States District Court for the District of South Carolina, at Anderson. Henry M. Herlong, Jr., District Judge. (8:05-cr-00306-HMH-1)

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Submitted: October 31, 2006

Decided: November 21, 2006

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Before KING and SHEDD, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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David B. Betts, Columbia, South Carolina, for Appellant. Reginald I. Lloyd, United States Attorney, Regan A. Pendleton, Assistant United States Attorney, Greenville, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Valente Cruz-Bacho was convicted by a jury of one count of conspiracy to possess with intent to distribute and distribution of 500 grams or more of cocaine, one count of aiding and abetting in the possession with intent to distribute 500 grams or more of cocaine, one count of possession of a firearm in furtherance of a drug trafficking crime, and one count of possession of a firearm by an illegal alien, in violation of 18 U.S.C. §§ 2; 922(g)(5)(A); 924(a)(2), (c)(1); 21 U.S.C. §§ 841(a)(1), (b)(1)(B); 846 (2000). Cruz-Bacho was sentenced to a total term of imprisonment of 130 months. We affirm Cruz-Bacho's sentence.

On appeal, Cruz-Bacho contends the district court erred by refusing to grant him a reduction under U.S. Sentencing Guidelines Manual § 3B1.2 (2004) as a minor participant in the criminal activity that led to his convictions. When reviewing the district court's application of the Sentencing Guidelines, we review findings of fact for clear error. United States v. Green, 436 F.3d 449, 456 (4th Cir.), cert. denied, 126 S. Ct. 2309 (2006). The materials included in the joint appendix establish that Cruz-Bacho, like the other individual involved, served as a drug courier. Thus, we conclude the district court's refusal to grant Cruz-Bacho a reduction for his role in the criminal activity was not clearly erroneous.

Accordingly, we affirm Cruz-Bacho's sentence. We dispense with oral argument because the facts and legal contentions

are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED