

**United States Court of Appeals  
FOR THE EIGHTH CIRCUIT**

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No. 00-1186

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United States of America,

Appellee,

v.

Jesus Cisneros,

Appellant.

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Appeal from the United States  
District Court for the  
District of Nebraska.

[UNPUBLISHED]

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Submitted: September 29, 2000

Filed: October 4, 2000

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Before BEAM, FAGG, and LOKEN, Circuit Judges

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PER CURIAM.

Jesus Cisneros pleaded guilty to conspiring to distribute methamphetamine. The district court sentenced him to 135 months imprisonment and 5 years supervised release. On appeal, Cisneros argues the district court committed error in denying him a two-level minor-participant reduction, see U.S.S.G. § 3B1.2(b), because he was clearly less culpable than his codefendants. A minor participant is “any participant who is less culpable than most other participants, but whose role could not be described as minimal.” U.S.S.G. § 3B1.2, comment. (n.3). We review the district court’s finding on this issue for clear error, keeping in mind that Cisneros bore the burden of proving entitlement to the reduction. See United States v. Alaniz, 148 F.3d 929, 937 (8th Cir.),

cert. denied, 525 U.S. 1027 (1998). As the district court recognized, nothing in the record suggests Cisneros was less culpable than other participants or unaware of the scope and structure of the enterprise and others' activities. See U.S.S.G. § 3B1.2, comment. (nn.1 & 3). The uncontested facts regarding his drug sales to individuals in different places in Nebraska indicate he was deeply involved in the methamphetamine conspiracy. See United States v. Rayner, 2 F.3d 286, 288 (8th Cir. 1993).

Accordingly, we affirm.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.