

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

No. 00-3502

United States of America,

Appellee,

v.

Mario Partida-Esparza,

Appellant.

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* Appeal from the United States
* District Court for the
* District of Nebraska.
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* [UNPUBLISHED]
*
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Submitted: May 30, 2001

Filed: June 4, 2001

Before HANSEN, MORRIS SHEPPARD ARNOLD, and BYE, Circuit Judges.

PER CURIAM.

Mario Partida-Esparza pleaded guilty to distributing methamphetamine, in violation of 21 U.S.C. § 841(a)(1). The district court¹ denied his request for a mitigating-role reduction under U.S.S.G. § 3B1.2, and sentenced him to 46 months imprisonment and 5 years supervised release. On appeal, Partida-Esparza challenges the court's denial of the requested reduction.

¹The Honorable Richard G. Kopf, Chief Judge, United States District Court for the District of Nebraska.

We conclude that the district court did not clearly err in finding that Partida-Esparza was neither a minimal nor a minor participant. See United States v. White, 241 F.3d 1015, 1024 (8th Cir. 2001) (standard of review). It took into account his participation in the offense of conviction and another drug sale that was treated as relevant conduct, and compared it to the participation of the others involved. See id. The court properly limited its consideration to these two incidents. See United States v. Velasquez, 141 F.3d 1280, 1283 (8th Cir.), cert. denied, 525 U.S. 897 (1998).

Accordingly, we affirm the judgment of the district court.

A true copy.

Attest:

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