

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 03-3661

United States of America,

Appellee,

v.

Deodoro Antonio Granillo, also
known as Jose Antonio Torres,

Appellant.

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

[UNPUBLISHED]

Submitted: October 20, 2004

Filed: October 26, 2004

Before RILEY, McMILLIAN, and GRUENDER, Circuit Judges.

PER CURIAM.

Deodoro Granillo appeals the sentence the district court¹ imposed after he pleaded guilty to distributing 12 grams of cocaine base, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B). Granillo argues that the district court erred in denying him a minor-participant reduction under U.S.S.G. § 3B1.2(b), because an unindicted co-conspirator was far more culpable than Granillo.

¹The Honorable Michael J. Davis, United States District Judge for the District of Minnesota.

We conclude the district court did not clearly err in finding that Granillo does not qualify for a minor-participant reduction. See United States v. Benford, 360 F.3d 913, 915 (8th Cir. 2004) (standard of review; defendant bears burden of demonstrating entitlement to reduction); United States v. Bush, 352 F.3d 1177, 1182 (8th Cir. 2003) (merely showing defendant is less culpable than other participants is not enough to entitle defendant to minor-participant reduction).

Accordingly, we affirm.
