

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

No. 17-10370
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED
February 7, 2018

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

AUDRY LANE, also known as Spud,

Defendant-Appellant

Appeals from the United States District Court
for the Northern District of Texas
USDC No. 4:16-CR-245-3

Before BENAVIDES, SOUTHWICK, and COSTA, Circuit Judges.

PER CURIAM:*

Audry Lane has appealed the sentence imposed related to his conviction of conspiracy to commit sex trafficking. He asserts that the district court erred in adjusting his Sentencing Guidelines offense level by two levels under U.S.S.G. § 3B1.1(c) because he was an organizer or leader of criminal activity. Lane argues that he “was involved in the organization and even helped

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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formulate the idea of the sex trade, but very soon backed off while his brother and others ran the operation.”

Lane has not shown that the district court’s finding, based on the un rebutted findings in the presentence report, is clearly erroneous. *See United States v. Ochoa-Gomez*, 777 F.3d 278, 281 (5th Cir. 2015); *see also United States v. Guzman-Reyes*, 853 F.3d 260, 265-66 (5th Cir. 2017). The judgment is AFFIRMED.