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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff - Appellee,</p> <p>v.</p> <p>IGNACIO SOTO-HINOJOSA, aka Nacho,</p> <p>Defendant - Appellant.</p>
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No. 07-10354

D.C. No. CR-04-05278-OWW

MEMORANDUM \*

Appeal from the United States District Court  
for the Eastern District of California  
Oliver W. Wanger, District Judge, Presiding

Submitted December 17, 2008\*\*

Before: GOODWIN, WALLACE and RYMER, Circuit Judges.

Ignacio Soto-Hinojosa appeals from the 168-month sentence imposed after his guilty-plea conviction for possession of methamphetamine with intent to

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

distribute, in violation of 21 U.S.C. § 841. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Soto-Hinojosa contends that the district court clearly erred by denying him a mitigating role reduction pursuant to U.S.S.G. § 3B1.2. We conclude that the district court did not clearly err in finding that Soto-Hinojosa was not a minimal or minor participant in the criminal activity. *See United States v. Awad*, 371 F.3d 583, 591 (9th Cir. 2004).

Soto-Hinojosa also contends that the district court clearly erred by denying him safety-valve relief pursuant to U.S.S.G. § 5C1.2. We conclude that the district court did not clearly err in finding Soto-Hinojosa ineligible. *See United States v. Mejia-Pimental*, 477 F.3d 1100, 1104 (9th Cir. 2007); *United States v. Miller*, 151 F.3d 957, 961 (9th Cir. 1998).

Soto-Hinojosa further contends that the district court erred by denying his motion for a downward departure based on the 18 U.S.C. § 3553(a) factors and that his sentence is, therefore, substantively unreasonable. We conclude that the sentence is substantively reasonable in light of the totality of the circumstances. *See United States v. Carty*, 520 F.3d 984, 993 (9th Cir. 2008) (en banc); *United States v. Dallman*, 533 F.3d 755, 760–761 (9th Cir. 2008).

**AFFIRMED.**