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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NOT FOR PUBLICATION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 - Appellant,</p> <p>v.</p> <p>ERICA L. CUEVAS-CEBALLOS,</p> <p>Defendant - Appellee.</p>
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No. 06-30554

D.C. No. CR-05-02075-EFS

MEMORANDUM *

Appeal from the United States District Court
for the Eastern District of Washington
Edward F. Shea, District Judge, Presiding

Submitted January 22, 2009**
Seattle, Washington

Before: REAVLEY,*** TALLMAN and M. SMITH, Circuit Judges.

Erica Cuevas-Ceballos was convicted of conspiracy to distribute
methamphetamine under 21 U.S.C. § 841(b)(1)(A). At sentencing, the district

* 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).

*** The Honorable Thomas M. Reavley, Senior United States Circuit
Judge for the Fifth Circuit, sitting by designation.

court granted a safety valve reduction pursuant to 18 U.S.C. § 3553(f). The government appeals the grant of the safety valve reduction. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

The district court did not clearly err in granting the safety valve reduction. Despite the extremely sparse record supporting the finding that Cuevas-Ceballos provided “all information” as required by § 3553(f)(5), we must accept the lower court’s finding “unless we are left with a definite and firm conviction that a mistake has been made.” *United States v. Ferryman*, 444 F.3d 1183, 1186 (9th Cir. 2006) (quoting *United States v. Doe*, 155 F.3d 1070, 1074 (9th Cir. 1998) (en banc)).

The district court relied on the fact that Cuevas-Ceballos had provided the essential facts of her drug transactions, including the approximate dates and the identities of the other parties, including her young son. *See United States v. Shrestha*, 86 F.3d 935, 939 (9th Cir. 1996); *United States v. Mejia-Pimental*, 477 F.3d 1100, 1107 (9th Cir. 2007) (citing *United States v. Arrington*, 73 F.3d 144 (7th Cir. 1996)). Based on the information provided to the government and to the court during the sentencing colloquy, the district court was satisfied Cuevas-Ceballos had provided “all information” regarding her involvement. *See* 18 U.S.C. § 3553(f)(5). This determination, though questionable, was not clearly erroneous.

AFFIRMED.