

MAR 06 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

IVAN FLORES-SOLANO,

Defendant - Appellant.

No. 08-10172

D.C. No. 4:07-cr-01462-CKJ

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Cindy K. Jorgenson, District Judge, Presiding

Submitted February 18, 2009**

Before: BEEZER, FERNANDEZ and W. FLETCHER, Circuit Judges.

Ivan Flores-Solano appeals from the 40-month sentence imposed following his guilty-plea conviction for conspiracy to possess with intent to distribute

* 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).

marijuana, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(B)(vii) and 846, and possession with intent to distribute marijuana, in violation of 21 U.S.C.

§ 841(a)(1), (b)(1)(B)(vii). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Flores-Solano contends that the district court erred by denying him a minor role adjustment under U.S.S.G. § 3B1.2(b). We conclude that the district court did not clearly err by declining to apply a minor role adjustment. *See United States v. Davis*, 36 F.3d 1424, 1436-37 (9th Cir. 1994).

AFFIRMED.