

MAR 27 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NOT FOR PUBLICATION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.

ISELA PAZ-GRANILLO,

Defendant - Appellant.

No. 08-10183

D.C. No. 4:07-cr-00653-DCB

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
David C. Bury, District Judge, Presiding

Submitted March 18, 2009**

Before: LEAVY, HAWKINS, and TASHIMA, Circuit Judges.

Isela Paz-Granillo appeals from the 70-month sentence imposed following her guilty-plea conviction for importation of, and possession with intent to

* 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, approximately 17 kilograms of cocaine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A)(ii)(II), 952(a), and 960(a)(1), (b)(1)(B)(ii). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Paz-Granillo contends that the district court erred by denying her request for a mitigating role adjustment, pursuant to U.S.S.G. § 3B1.2. We conclude that the district court applied the correct legal standard and did not clearly err by denying the adjustment. *See United States v. Davis*, 36 F.3d 1424, 1436-37 (9th Cir. 1994); *United States v. Lui*, 941 F.2d 844, 849 (9th Cir. 1991).

Paz-Granillo also contends that the district court erred by failing to: (1) address the factors set forth in 18 U.S.C. § 3553(a); (2) consider the mitigating evidence she presented; and (3) provide an adequate explanation for her sentence. These contentions lack merit. *See Rita v. United States*, 127 S. Ct. 2456, 2468-69 (2007); *see also United States v. Carty*, 520 F.3d 984, 995-96 (9th Cir. 2008) (en banc).

AFFIRMED.