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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

GRACIELA FELIX-GASTELUM,

Defendant - Appellant.

No. 08-10390

D.C. No. 4:07-CR-02100-DCB

MEMORANDUM\*

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

Submitted June 16, 2009\*\*

Before: PAEZ, TALLMAN, and N.R. SMITH, Circuit Judges.

Graciela Felix-Gastelum appeals from the 57-month sentence imposed following her guilty-plea conviction for importation of cocaine, in violation of 21 U.S.C. §§ 952(a), and 960(a)(1), (b)(1)(B)(ii), and possession 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 cocaine, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A)(ii)(II). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Felix-Gastelum contends that the district court erred by denying a mitigating role adjustment under U.S.S.G. § 3B1.2 based on the application of an erroneous legal standard. We conclude that the district court did not err in denying the adjustment. *See United States v. Cantrell*, 433 F.3d 1269, 1282-83 (9th Cir. 2006); *see also United States v. Ocampo*, 937 F.2d 485, 491 (9th Cir. 1991) (recognizing that the district court was entitled to disbelieve defendant's self-serving statements regarding his own involvement in the scheme).

Felix-Gastelum also contends that the district court procedurally erred at sentencing by failing to consider and address her arguments in support of a below-guidelines sentence under 18 U.S.C. § 3553(a), and that the sentence is substantively unreasonable. We conclude that the district court did not procedurally err, and that the sentence is not substantively unreasonable. *See United States v. Carty*, 520 F.3d 984, 992-93, 995 (9th Cir. 2008) (en banc).

**AFFIRMED.**