

AUG 31 2009

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p style="text-align: center;">Plaintiff - Appellee,</p> <p>v.</p> <p>MANUEL DE JESUS ZAMARRON- RUIZ,</p> <p style="text-align: center;">Defendant - Appellant.</p>
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No. 08-10401

D.C. No. 4:07-CR-01541-RCC

MEMORANDUM *

Appeal from the United States District Court
for the District of Arizona
Raner C. Collins, District Judge, Presiding

Submitted August 20, 2009**

Before: WALLACE, HAWKINS, and THOMAS, Circuit Judges.

Manuel De Jesus Zamarron-Ruiz appeals from the 70-month sentence imposed following his guilty-plea conviction for importing cocaine, in violation of

* 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).

21 U.S.C. §§ 952(a) and 960(a)(1), and possessing cocaine with intent to distribute, in violation of 21 U.S.C. § 841(a)(1). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Zamarron-Ruiz contends that the district court erred when it failed to apply a minor role adjustment, pursuant to U.S.S.G. § 3B1.2(b), to his offense level calculation. The district court did not clearly err. *See United States v. Murillo*, 255 F.3d 1169, 1179 (9th Cir. 2001), *overruled in part on other grounds*; *United States v. Lui*, 941 F.2d 844, 849 (9th Cir. 1991).

Zamarron-Ruiz also contends that the district court improperly presumed that a guidelines sentence was reasonable, the district court failed to consider some of the 18 U.S.C. § 3553(a) sentencing factors, and that his sentence is unreasonable. We review these contentions for reasonableness. The district court did not procedurally err and the sentence is not substantively unreasonable. *See United States v. Carty*, 520 F.3d 984, 991-93 (9th Cir. 2008) (en banc).

AFFIRMED.