

OCT 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NOT FOR PUBLICATION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.

CHALENA MENDOZA,

Defendant - Appellant.

No. 09-10017

D.C. No. 2:08-CR-01117-ROS

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Arizona  
Roslyn O. Silver, District Judge, Presiding

Submitted September 14, 2009\*\*

Before: SILVERMAN, RAWLINSON, and CLIFTON, Circuit Judges.

Chalena Mendoza appeals from the 21-month sentence imposed following her guilty-plea conviction for transportation of illegal aliens, in violation of 8

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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).

U.S.C. § 1324(a)(1)(A)(ii), (a)(1)(B)(i). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Mendoza contends that the district court erred by enhancing her sentence pursuant to U.S.S.G. § 2L1.1(b)(6) because the facts did not support the enhancement. Mendoza also contends that the district court applied the wrong legal standard. These contentions lack merit. *See* U.S.S.G. § 2L1.1(b)(6), cmt. n.5; *see also United States v. Miguel*, 368 F.3d 1150, 1155-56 (9th Cir. 2004).

**AFFIRMED.**