

DEC 14 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NOT FOR PUBLICATION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.

JOSE JUAN GUADALUPE JACOBO-
REGALADO,

Defendant - Appellant.

No. 09-10144

D.C. No. 4:08-cr-01622-DSD

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
David S. Doty, District Judge, Presiding

Submitted November 17, 2009**

Before: ALARCÓN, TROTT, and TASHIMA, Circuit Judges.

Jose Juan Guadalupe Jacobo-Regalado appeals from the 36-month sentence imposed following his guilty-plea conviction for 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 667 grams of heroin, in violation of 21 U.S.C.

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

Jacobo-Regalado contends that the district court erred by failing to consider his argument in support of his request for a minor role adjustment, pursuant to U.S.S.G. § 3B1.2(b). The record reflects that the district court gave sufficient consideration to Jacobo-Regalado's written submissions and arguments in favor of the adjustment, and did not clearly err by denying the request. *See United States v. Cantrell*, 433 F.3d 1269, 1283-84 (9th Cir. 2006). The district court did not procedurally err, as it correctly calculated the applicable Guidelines range and imposed a sentence below that range in accordance with its consideration of the factors enumerated in 18 U.S.C. § 3553(a). *See Gall v. United States*, 128 S. Ct. 586, 596-97 (2007); *see also United States v. Carty*, 520 F.3d 984, 991-93 (9th Cir. 2008) (en banc).

AFFIRMED.