

JAN 07 2010

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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NOT FOR PUBLICATION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.

JOSE RAMIREZ,

Defendant - Appellant.

No. 09-50041

D.C. No. 3:06-CR-01242-DMS

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Dana M. Sabraw, District Judge, Presiding

Submitted December 15, 2009**

Before: GOODWIN, WALLACE, and FISHER, Circuit Judges.

Jose Ramirez appeals from the 120-month sentence imposed following his guilty-plea conviction for conspiracy to distribute 50 grams or more of

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

methamphetamine in violation of 21 U.S.C. §§ 846 and 841(a)(1). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Ramirez contends that the district court erred when it determined that Ramirez was not eligible for the “safety valve” relief under U.S.S.G. § 5C1.2(a) and 18 U.S.C. § 3553(f). The district court did not clearly err when it determined that Ramirez failed to truthfully provide to the government all relevant information concerning the conduct for which he was convicted and sentenced. *See* 18 U.S.C. § 3553(f)(5); *see also United States v. Ajugwo*, 82 F.3d 925, 929 (9th Cir. 1996).

AFFIRMED.