

FEB 03 2010

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NOT FOR PUBLICATION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.

SANTIAGO CURIEL,

Defendant - Appellant.

No. 08-50445

D.C. No. 2:05-cr-00889-RSWL

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Ronald S.W. Lew, District Judge, Presiding

Submitted November 17, 2009**

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

Santiago Curiel appeals from the district court's order denying his 18 U.S.C. § 3582(c)(2) motion for a reduction of sentence. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

* 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).

Curiel contends that the district court erred in denying his motion because it had authority to relieve him of his career offender status and then resentence him pursuant to the retroactive amendments to the crack cocaine Sentencing Guidelines. The district court did not err in rejecting these arguments. *See United States v. Leniear*, 574 F.3d 668, 673 (9th Cir. 2009); *see also United States v. Wesson*, 583 F.3d 728, 731 (9th Cir. 2009).

AFFIRMED.