

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAR 02 2010

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CIJI KIDD,

Defendant - Appellant.

No. 08-50299

D.C. No. 5:02-cr-00063-VAP

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Virginia A. Phillips, District Judge, Presiding

Submitted February 16, 2010**

Before: FERNANDEZ, GOULD, and M. SMITH, Circuit Judges.

Ciji Kidd appeals from the district court's denial of her motion for a reduced sentence pursuant to 18 U.S.C. § 3582(c)(2). We have jurisdiction under 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 concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Kidd contends that the district court erred by determining that it would not reduce her sentence pursuant to Amendment 706 of the United States Sentencing Guidelines. This contention fails because Kidd's sentence was based on a statutory minimum. *See United States v. Paulk*, 569 F.3d 1094, 1095 (9th Cir. 2009) (per curiam). Kidd argues that the statutory mandatory minimum was inapplicable because she never admitted as part of her guilty plea that her offense involved crack cocaine. This contention fails, *see id.*, and, in any event, is belied by the record.

AFFIRMED.