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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NOT FOR PUBLICATION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.

JUAN CARLOS GUZMAN,

Defendant - Appellant.

No. 09-50207

D.C. No. 3:08-cr-03543-LAB

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Larry A. Burns, District Judge, Presiding

Submitted February 16, 2010**

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

Juan Carlos Guzman appeals from the 75-month sentence imposed following his guilty-plea conviction for importation of methamphetamine, in violation of 21 U.S.C. §§ 952 and 960. We have jurisdiction pursuant to 28 U.S.C. § 1291, and

* 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).

we affirm.

Guzman contends the district court erred by denying his request for a minor role adjustment pursuant to U.S.S.G. § 3B1.2(b). Guzman failed to carry his burden of proving that he is entitled to such an adjustment. *See United States v. Cantrell*, 433 F.3d 1269, 1282-83 (9th Cir. 2006). Among other things, Guzman knowingly transported a substantial amount of narcotics, *see United States v. Hursh*, 217 F.3d 761, 770 (9th Cir. 2000), and planned on accepting money in return, *see United States v. Davis*, 36 F.3d 1424, 1437 (9th Cir. 1994). Therefore, the district court did not clearly err by declining to apply a minor role adjustment. *See Cantrell*, 433 F.3d at 1283-84 (holding that district court's decision regarding defendant's minor role status was not clearly erroneous); *United States v. Howard*, 894 F.2d 1085, 1091 (9th Cir. 1990) (holding that district court need not accept the government's recommendation of a minor role reduction).

AFFIRMED.