

MAR 29 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NOT FOR PUBLICATION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.

MIRNA VALENZUELA-VERDUGO,

Defendant - Appellant.

No. 09-10157

D.C. No. 4:08-cr-01131-DCB

MEMORANDUM*

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

Submitted March 16, 2010**

Before: SCHROEDER, PREGERSON, and RAWLINSON, Circuit Judges.

Mirna Valenzuela-Verdugo appeals from the 78-month sentence imposed following her guilty-plea conviction for importation of cocaine, and possession

* 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).

with intent to distribute, in violation of 21 U.S.C. §§ 841, 952, and 960. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Valenzuela-Verdugo contends the district court erred by denying her a minor role adjustment under U.S.S.G. § 3B1.2(b). The district court did not clearly err by declining to apply a minor role adjustment. *See United States v. Hursh*, 217 F.3d 761, 770 (9th Cir. 2000).

Valenzuela-Verdugo also contends that the sentence imposed was unreasonable. The district court did not procedurally err and, under the totality of the circumstances, the sentence is not substantively unreasonable. *See Gall v. United States*, 552 U.S. 38, 51 (2007); *United States v. Carty*, 520 F.3d 984, 990-93 (9th Cir. 2008) (en banc).

Valenzuela-Verdugo apparently further contends that the sentencing judge's status as a visiting judge somehow implicated the reasonableness of her sentence. We reject this contention. *See United States v. Green*, 89 F.3d 657, 660 (9th Cir. 1996) ("This court rejects the request to distinguish between visiting and non-visiting district court judges.").

AFFIRMED.