

JUN 18 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NOT FOR PUBLICATION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.

RALPH NELS LAVERDURE,

Defendant - Appellant.

No. 09-30205

D.C. No. 4:08-CR-00143-SEH

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Sam E. Haddon, District Judge, Presiding

Submitted May 25, 2010**

Before: CANBY, THOMAS, and W. FLETCHER, Circuit Judges.

Ralph Nels Laverdure appeals from the 124-month sentence imposed following his guilty-plea conviction for conspiracy to possess methamphetamine with intent to distribute, in violation of 21 U.S.C. § 841(a)(1). 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).

Laverdure contends the district court erred by refusing to apply safety valve relief under U.S.S.G. § 5C1.2(a) and 18 U.S.C. § 3553(f). This contention is unavailing because the district court properly concluded that Laverdure failed to truthfully provide to the government all information and evidence concerning the conduct for which he was convicted and sentenced. *See* § 3553(f)(5); *see also United States v. Ajugwo*, 82 F.3d 925, 929 (9th Cir. 1996).

AFFIRMED.