

SEP 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NOT FOR PUBLICATION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.

JOSE DE JESUS MARRUJO MEZA,

Defendant - Appellant.

No. 09-10192

D.C. No. 4:08-CR-01014-JMR

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
John M. Roll, Chief Judge, Presiding

Submitted September 13, 2010**

Before: SILVERMAN, CALLAHAN, and N.R. SMITH, Circuit Judges.

Jose de Jesus Marrujo Meza appeals from the 120-month sentence imposed following his guilty-plea conviction for possession with intent to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A)(iii); importation of methamphetamine, in violation of 21 U.S.C. §§ 952(a) 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).

960(b)(1)(H); possession with intent to distribute heroin, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A)(i); and importation of heroin, in violation of 21 U.S.C. §§ 952(a) and 960(b)(1)(A). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Meza contends that the district court erred by denying the mitigating role adjustment at U.S.S.G. § 3B1.2. Under the facts of this case, the district court did not clearly err by denying the adjustment for a minimal or minor participant. *See United States v. Cantrell*, 433 F.3d 1269, 1282 (9th Cir. 2006) (describing standard); *see also United States v. Lui*, 941 F.2d 844, 849 (9th Cir. 1991) (stating that a defendant “may be a courier without being either a minimal or a minor participant,” and that “possession of a substantial amount of narcotics is grounds for refusing to grant a sentence reduction”).

AFFIRMED.