

OCT 28 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NOT FOR PUBLICATION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.

THOMAS EDWIN COCHEE, AKA  
Brandon M. Courtney, AKA Kevin Ross,  
AKA Kenneth Anderson, AKA Jonathan  
Houston, AKA Nicholas Letterman, AKA  
Rodney Hudson,

Defendant - Appellant.

Nos. 09-50465  
09-50601

D.C. No. 2:08-cr-00715-PSG

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
Philip S. Gutierrez, District Judge, Presiding

Submitted October 19, 2010\*\*

Before: O'SCANNLAIN, TALLMAN, and BEA, Circuit Judges.

In these consolidated appeals, Thomas Edwin Cochee appeals from the  
concurrent 24-month sentences imposed following his guilty-plea conviction for

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\* 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).

bank fraud, aiding and abetting, and causing an act to be done, in violation of 18 U.S.C. §§ 1344, 2(a) and (b); and aggravated identity theft, aiding and abetting, and causing an act to be done, in violation of 18 U.S.C. §§ 1029(a)(2), 2(a) and (b). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Cochee contends that the district court erred by denying him a minor role adjustment under the Sentencing Guidelines and by considering improper factors when assessing his relative culpability in the offense. The record reflects that the district court, based on the facts before it, properly considered whether Cochee was substantially less culpable than his co-participants, and that it did not clearly err by determining that Cochee was not eligible for the adjustment. *See United States v. Cantrell*, 433 F.3d 1269, 1282-84 (9th Cir. 2006).

**AFFIRMED.**