

DEC 27 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NOT FOR PUBLICATION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.

ANGEL IVAN SANCHEZ,

Defendant - Appellant.

No. 09-10399

D.C. No. 1:08-cr-00067-LJO

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Lawrence J. O’Neill, District Judge, Presiding

Submitted December 14, 2010**

Before: GOODWIN, WALLACE, and W. FLETCHER, Circuit Judges.

Angel Ivan Sanchez appeals from the 30-month sentence imposed following his guilty-plea conviction for possession of marijuana with intent to distribute, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(D). 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).

Sanchez contends that the district court erred at sentencing by miscalculating the applicable range under the Sentencing Guidelines. Specifically, Sanchez contends that the district court misapplied the burden of proof in determining the applicable drug quantity for which Sanchez was responsible, and erred by determining that Sanchez knowingly possessed all of the drugs found in his vehicle. The record reflects that the district court applied the correct legal standard, and did not err by determining that Sanchez was responsible for all of the drugs found in his vehicle. *See* U.S.S.G. § 1B1.3(a)(1)(A), cmt. n.2(a)(1).

Sanchez further contends that the district court applied an incorrect legal standard and erred by denying him a minor role adjustment under the Sentencing Guidelines. The record reflects that the district court properly considered whether Sanchez was substantially less culpable than his co-participants in the offense, and that it did not clearly err by determining that Sanchez failed to show that he was entitled to the adjustment. *See United States v. Cantrell*, 433 F.3d 1269, 1282-84 (9th Cir. 2006).

AFFIRMED.