

FEB 17 2011

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NOT FOR PUBLICATION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.

CARLOS EDMUNDO JACKSON-
PLASCENCIA,

Defendant - Appellant.

No. 10-50030

D.C. No. 3:09-cr-03516-LAB

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Larry A. Burns, District Judge, Presiding

Submitted February 15, 2011**

Before: CANBY, FERNANDEZ, and M. SMITH, Circuit Judges.

Carlos Edmundo Jackson-Plascencia appeals from the 57-month sentence imposed following his guilty-plea conviction for possession of cocaine with intent to distribute, in violation of 21 U.S.C. § 841(a)(1). We have jurisdiction under 28

* 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).

U.S.C. § 1291, and we affirm.

Jackson-Plascencia contends that the district court erred by applying the wrong legal standards when evaluating whether he should receive a minor role adjustment under U.S.S.G. § 3B1.2(b). The record reflects that the district court applied the correct legal standard in denying the adjustment and did not clearly err by determining that Jackson-Plascencia did not meet his burden of showing that he was substantially less culpable than his co-participants. *See United States v. Cantrell*, 433 F.3d 1269, 1282-84 (9th Cir. 2006).

AFFIRMED.