

FEB 22 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NOT FOR PUBLICATION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.

SALVADOR GARZA-CARDENAS,
a.k.a. Ramon Hernandez-Gonzalez,

Defendant - Appellant.

No. 09-10152

D.C. No. 4:05-cr-00125-DCB

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
David C. Bury, District Judge, Presiding

Submitted February 15, 2011**

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

Salvador Garza-Cardenas appeals from the 168-month sentence imposed following his guilty-plea conviction for drug crimes. 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).

Garza-Cardenas contends that the district court erred by failing to grant safety-valve relief because the district court relied on (1) the fact that Garza-Cardenas had not fully disclosed prior uncharged criminal activity, and (2) the fact that Garza-Cardenas had organized other drug shipments prior to sentencing while he was out on bond. The district court did not clearly err by denying relief based on its conclusion that Garza-Cardenas had not provided a completely truthful account regarding his role in the conspiracy. *See* 18 U.S.C. § 3553(f)(5); *United States v. Mejia-Pimental*, 477 F.3d 1100, 1105 (9th Cir. 2007) (stating that a defendant's good faith obligation under section 3553(f) is satisfied by providing the government with truthful and complete information by the time of the sentencing hearing).

AFFIRMED.