

MAR 16 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff - Appellee,</p> <p>v.</p> <p>JANE DOE,</p> <p>Defendant - Appellant.</p>
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No. 10-10108

D.C. No. 1:09-cr-00204-DAE

MEMORANDUM*

Appeal from the United States District Court
for the District of Hawaii
David A. Ezra, District Judge, Presiding

Submitted March 8, 2011**

Before: FARRIS, LEAVY, and BYBEE, Circuit Judges.

Jane Doe appeals from the 100-month sentence imposed following her guilty-plea conviction of possession with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841. 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).

Doe contends that the district court erred in denying her a two-level minor role reduction. We need not reach this question, as Doe's sentence of 100 months was below the statutory minimum of ten years, *see* 21 U.S.C. § 841(b)(1)(A)(viii), and the court lacked the authority to depart further from the statutory minimum on the basis of Doe's role in the offense, *see United States v. Jackson*, 577 F.3d 1032, 1036 (9th Cir. 2009).

AFFIRMED.