

APR 11 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NOT FOR PUBLICATION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>INES TAMAYO-LOPEZ,</p> <p>Defendant - Appellant.</p>

No. 10-30221

D.C. No. 2:08-cr-00137-WFN

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of Washington
Wm. Fremming Nielsen, District Judge, Presiding

Submitted April 5, 2011**

Before: B. FLETCHER, CLIFTON, and BEA, Circuit Judges.

Ines Tamayo-Lopez appeals from the 168-month sentence imposed following his guilty-plea conviction for conspiracy to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, in violation of 21 U.S.C. §§ 841(a) and (846). We have jurisdiction under 28 U.S.C.

* 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).

§ 1291, and we affirm.

Tamayo-Lopez contends that the district court procedurally erred by determining that he was ineligible for ‘safety valve’ relief pursuant to 18 U.S.C. § 3553(f) and U.S.S.G. § 5C1.2. The district court did not clearly err in finding that Tamayo-Lopez did not truthfully provide all relevant information concerning the conduct for which he was sentenced. *See United States v. Ajugwo*, 82 F.3d 925, 929 (9th Cir. 1996); *see also* 18 U.S.C. § 3553(f)(5).

Tamayo-Lopez also contends his sentence is substantively unreasonable in light of his personal characteristics and the disparate sentences imposed upon cooperating co-defendants. The record reflects that Tamayo-Lopez’s bottom of the Guidelines sentence is not substantively unreasonable in light of the totality of the circumstances. *See United States v. Carty*, 520 F.3d 984, 991-93 (9th Cir. 2008) (en banc).

AFFIRMED.