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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NOT FOR PUBLICATION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 style="text-align: center;">Plaintiff - Appellee,</p> <p>v.</p> <p>ANA MARTHA ARMENTA- PENUELAS,</p> <p style="text-align: center;">Defendant - Appellant.</p>
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No. 10-10271

D.C. No. 4:09-cr-01724-CKJ

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Cindy K. Jorgenson, District Judge, Presiding

Submitted September 27, 2011**

Before: HAWKINS, SILVERMAN, and W. FLETCHER, Circuit Judges.

Ana Martha Armenta-Penuelas appeals from the 48-month sentence imposed following her guilty-plea conviction for possession with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(A)(viii), and

* 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).

importation of methamphetamine, in violation of 21 U.S.C. §§ 952(a), 960(a)(1) and (b)(1)(H). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Armenta-Penuelas contends that the district court erred by giving her a minor role reduction rather than a minimal role reduction under U.S.S.G. § 3B1.2. In light of the district court's finding that Armenta-Penuelas knew she was carrying drugs and was prepared to accept money in return, the district court did not clearly err. *See United States v. Davis*, 36 F.3d 1424, 1436-37 (9th Cir. 1994).

Armenta-Penuelas also contends that, despite granting a downward variance, the district court procedurally erred by failing to consider all of the 18 U.S.C. § 3553(a) sentencing factors, and by failing specifically to address her arguments for a variance. The district court "need not tick off each of the § 3553(a) factors to show that it has considered them." *United States v. Carty*, 520 F.3d 984, 992 (9th Cir. 2008) (en banc). The record reflects that the court considered the § 3553(a) sentencing factors, and Armenta-Penuelas's arguments.

Armenta-Penuelas lastly contends that her sentence is substantively unreasonable. In light of the totality of the circumstances and the § 3553(a) sentencing factors, the below-Guidelines sentence is substantively reasonable. *See Gall v. United States*, 552 U.S. 38, 51 (2007).

AFFIRMED.