

OCT 26 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NOT FOR PUBLICATION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.

GEORGE GONZALEZ CRUZ,

Defendant - Appellant.

No. 10-50574

D.C. No. 3:09-cr-03409-DMS

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Dana M. Sabraw, District Judge, Presiding

Submitted October 25, 2011**

Before: TROTT, GOULD, and RAWLINSON, Circuit Judges.

George Gonzalez Cruz appeals from the 10-year sentence imposed following his guilty-plea conviction for conspiracy to distribute methamphetamine, in violation of 21 U.S.C. §§ 846 and 841(a)(1). 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).

Gonzalez Cruz contends that the district court erred by denying him relief under the safety valve provision of 18 U.S.C. § 3553(f) and U.S.S.G. § 5C1.2. However, Gonzalez Cruz was not entitled to safety valve relief because he failed to name his supplier. *See* 18 U.S.C. § 3553(f)(5); *United States v. Thompson*, 81 F.3d 877, 878-80 (9th Cir. 1996). Therefore, the district court correctly sentenced him to the statutory mandatory minimum sentence. *See Thompson*, 81 F.3d at 880.

AFFIRMED.