

MAR 05 2012

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NOT FOR PUBLICATION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.

ROBERTO NAVARRO-ERUNES,

Defendant - Appellant.

No. 11-10200

D.C. No. 4:10-cr-00449-RCC

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Raner C. Collins, District Judge, Presiding

Submitted February 21, 2012**

Before: FERNANDEZ, McKEOWN, and BYBEE, Circuit Judges.

Roberto Navarro-Erunes appeals from the 38-month sentence imposed following his guilty-plea conviction for conspiracy to possess with intent to distribute marijuana, in violation of 21 U.S.C. § 846, § 841(a)(1), 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).

(b)(1)(B)(vii), and possession with intent to distribute marijuana, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B)(vii). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Navarro-Erunes contends that the district court abused its discretion by denying a minor role reduction based on a misconception that it lacked the authority to do so. The record reflects that the district court understood its authority to grant a downward adjustment on this basis, but found the circumstances insufficient to warrant the reduction. The district court did not clearly err by declining to award the minor-role adjustment. *See United States v. Cantrell*, 433 F.3d 1269, 1283-84 (9th Cir. 2006).

AFFIRMED.