

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NOT FOR PUBLICATION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.

RICARDO ROBLEDO CASTANEDA,

Defendant - Appellant.

No. 11-50212

D.C. No. 3:10-cr-04623-LAB

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Larry A. Burns, District Judge, Presiding

Submitted February 21, 2012**

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

Ricardo Robledo Castaneda appeals from the 120-month sentence imposed following a guilty-plea conviction for importation of methamphetamine, in violation of 21 U.S.C. §§ 952, 960, and 963. 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.

Castaneda contends that the district court erred by finding him ineligible for safety valve relief pursuant to 18 U.S.C. § 3553(f). The district court's factual determination that Castaneda failed to provide truthful and complete information to the government was not clearly erroneous. *See United States v. Mejia-Pimental*, 477 F.3d 1100, 1105-06 (9th Cir. 2007). Further, the district court did not abuse its discretion by denying his request for an evidentiary hearing on this issue. *See United States v. Real-Hernandez*, 90 F.3d 356, 362 (9th Cir. 1996).

Castaneda also contends that the district court erred by declining to award a minor role adjustment because he was substantially less culpable than the average co-participant. The district court did not clearly err by declining to award the adjustment. *See United States v. Cantrell*, 433 F.3d 1269, 1283-84 (9th Cir. 2006). In any case, as the district court noted, this issue is moot in light of the determination under 18 U.S.C. § 3553(f).

AFFIRMED.