

MAY 18 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NOT FOR PUBLICATION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.

GILBERT LADONGA,

Defendant - Appellant.

No. 11-10461

D.C. No. 1:10-cr-00042-FMTG

MEMORANDUM*

Appeal from the United States District Court
for the District of Guam
Frances Tydingco-Gatewood, Chief Judge, Presiding

Submitted May 15, 2012 **

Before: CANBY, GRABER, and M. SMITH, Circuit Judges.

Gilbert Ladonga appeals from his jury-trial conviction and 78-month sentence imposed for one count of criminal conspiracy and five counts of money laundering. We have jurisdiction under 28 U.S.C. § 1291, and we affirm but

* 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).

remand to the district court to correct clerical errors in the judgment.

Ladonga contends that the district court procedurally erred by failing to consider or to explain adequately why it rejected his arguments for a role reduction under U.S.S.G. § 3B1.2 and for a downward variance. The record reflects that the district court considered the arguments and adequately explained why neither a role adjustment nor a downward variance was warranted. *See United States v. Carty*, 520 F.3d 984, 995 (9th Cir. 2008) (en banc).

To the extent that Ladonga contends that the district court erred by denying him a role adjustment under U.S.S.G. § 3B1.2, the district court did not clearly err in denying the adjustment. *See United States v. Cantrell*, 433 F.3d 1269, 1282-83 (9th Cir. 2006).

We remand to the district court with instructions to amend the judgment to delete reference to 21 U.S.C. §§ 841(a)(1), 952 and 960, and replace it with the proper statute of conviction for money laundering, 18 U.S.C. § 1956(a)(2)(B)(i).

AFFIRMED; REMANDED to correct the judgment.