

APR 22 2013

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NOT FOR PUBLICATION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.

APOLONIA RAMIREZ, a.k.a. Reina,

Defendant - Appellant.

No. 11-50316

D.C. No. 2:07-cr-01172-DDP

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Dean D. Pregerson, District Judge, Presiding

Submitted April 16, 2013**

Before: CANBY, IKUTA, and WATFORD, Circuit Judges.

Apolonia Ramirez appeals from the district court’s judgment and challenges the 87-month sentence imposed following her guilty-plea conviction for conspiracy to possess with intent to distribute crack cocaine, in violation of 21 U.S.C.

§§ 841(b)(1)(B)(iii), 846. We have jurisdiction under 28 U.S.C. § 1291, and we

* 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).

affirm.

Ramirez contends that the district court gave insufficient weight to her post-offense rehabilitation and thereby imposed a substantively unreasonable sentence. The district court did not abuse its discretion in imposing Ramirez's sentence. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The court was aware of Ramirez's post-offense rehabilitation but found that the Guidelines adequately captured her conduct. Ramirez's sentence at the bottom of the advisory Guidelines range is substantively reasonable in light of the 18 U.S.C. § 3553(a) sentencing factors and the totality of the circumstances. *See Gall*, 552 U.S. at 51.

AFFIRMED.