

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NOT FOR PUBLICATION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.