

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NOT FOR PUBLICATION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.

RICARDO GARCIA-MENDOZA,

Defendant - Appellant.

No. 12-50200

D.C. No. 2:11-cr-00466-SVW

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Stephen V. Wilson, District Judge, Presiding

Submitted April 16, 2013**

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

Ricardo Garcia-Mendoza appeals from the district court's judgment and challenges the 120-month sentence imposed following his guilty-plea conviction for possession with intent to distribute methamphetamine, in violation of 21 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).

§ 841(a)(1), (b)(1)(A)(viii). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Garcia-Mendoza contends that the district court erred by denying him relief under the safety valve provision of 18 U.S.C. § 3553(f) and U.S.S.G. § 5C1.2. The district court did not clearly err in finding that Garcia-Mendoza did not, at any time before he was sentenced, truthfully provide the government all of the information he had regarding the offense. *See United States v. Orm Hieng*, 679 F.3d 1131, 1144 (9th Cir.), *cert. denied*, 133 S. Ct. 775 (2012). Garcia-Mendoza was accordingly ineligible for safety valve relief. *See* 18 U.S.C. § 3553(f)(5).

AFFIRMED.