

JUN 13 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NOT FOR PUBLICATION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.

OMAR ANTONIO TIRADO-  
MARTINEZ,

Defendant - Appellant.

No. 12-10082

D.C. No. 4:11-cr-02708-JGZ

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Arizona  
Linda R. Reade, District Judge, Presiding\*\*

Submitted June 10, 2013\*\*\*

Before: HAWKINS, McKEOWN, and BERZON, Circuit Judges.

Omar Antonio Tirado-Martinez appeals from the district court's judgment and challenges the 78-month sentence imposed following his guilty-plea

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The Honorable Linda R. Reade, Chief Judge of the United States District Court for the Northern District of Iowa, sitting by designation.

\*\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

conviction for importation of cocaine, in violation of 21 U.S.C. §§ 952, 960(a)(1) and (b)(1)(B)(ii); and possession with intent to distribute cocaine, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(A)(ii)(II). We have jurisdiction under 28 U.S.C. § 1291, and we remand for resentencing.

Tirado-Martinez contends that the district court erred by failing to grant a role adjustment for his minor role in the offense. Because the district court failed adequately to explain why it rejected the probation officer's recommendation for a sentence below the Guidelines range, which was based on Tirado-Martinez's individual circumstances and his role in the offense, we remand for resentencing.

In light of this disposition, we do not reach Tirado-Martinez's other arguments.

**VACATED and REMANDED.**