

OCT 03 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NOT FOR PUBLICATION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.

EDGARDO PRADO CASTANEDA,
a.k.a. Primo,

Defendant - Appellant.

No. 12-50318

D.C. No. 2:09-cr-00826-GW

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
George H. Wu, District Judge, Presiding

Submitted September 24, 2013**

Before: RAWLINSON, N.R. SMITH, and CHRISTEN, Circuit Judges.

Edgardo Prado Castaneda appeals from the 120-month sentence imposed on remand following his guilty-plea conviction for distribution of methamphetamine, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(A)(viii). We have jurisdiction

* 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).

under 28 U.S.C. § 1291, and we affirm.

Prado Castaneda contends that the district court erred when it denied him safety-valve relief under 18 U.S.C. § 3553(f)(4), on the ground that he was an “organizer, leader, manager, or supervisor of others in the offense.” We review for clear error the district court’s factual determination that a particular defendant is ineligible for relief under the safety valve. *See United States v. Mejia-Pimental*, 477 F.3d 1100, 1103 (9th Cir. 2007). The district court did not clearly err because Prado Castaneda “orchestrated the transaction” when he arranged the meeting with the confidential informant and directed his co-conspirator to bring four ounces of methamphetamine to the meeting. *See United States v. Nobari*, 574 F.3d 1065, 1084 (9th Cir. 2009).

AFFIRMED.