

NOV 21 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NOT FOR PUBLICATION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.

ISIDRO MARIN HERNANDEZ, AKA
Jose Ines Marin Jimenez,

Defendant - Appellant.

No. 12-50575

D.C. No. 8:12-cr-00165-SVW-1

MEMORANDUM*

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

Argued and submitted November 6, 2013
Pasadena, California

Before: FISHER and CLIFTON, Circuit Judges, and SINGLETON, District
Judge.**

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

** The Honorable James K. Singleton, Senior United States District
Judge for the District of Alaska, sitting by designation.

Any alleged breach of the terms of the plea agreement by the government did not amount to plain error because there is no basis to conclude that the sentence imposed by the district court was affected by the prosecution's comments in its sentencing memorandum. *See United States v. Gonzalez-Aguilar*, 718 F.3d 1185, 1188-90 (9th Cir. 2013). In addition, the district court offered sufficiently clear and individualized reasons for rejecting the plea agreement. *See In re Morgan*, 506 F.3d 705, 711-12 (9th Cir. 2007).

AFFIRMED.