

FEB 26 2014

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NOT FOR PUBLICATION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.

CORNELIO ROJAS SANTIAGO,

Defendant - Appellant.

No. 13-50002

D.C. No. 3:11-cr-03459-JLS

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Janis L. Sammartino, District Judge, Presiding

Submitted February 18, 2014**

Before: ALARCÓN, O’SANNLAIN, and FERNANDEZ, Circuit Judges.

Cornelio Rojas Santiago appeals from the district court’s judgment and challenges the 121-month sentence imposed following his guilty-plea conviction for conspiracy to import cocaine, in violation of 21 U.S.C. §§ 952, 960, and 963; and aiding and abetting the importation of cocaine, in violation of 18 U.S.C. § 2

* 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).

and 21 U.S.C. §§ 952, 960, and 963. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Rojas Santiago contends that the district court procedurally erred by failing to apply the 18 U.S.C. § 3553(a) factors and to address his mitigation arguments. We review for plain error, *see United States v. Valencia-Barragan*, 608 F.3d 1103, 1108 (9th Cir. 2010), and find none. The record reflects that the district court properly considered the section 3553(a) factors and adequately addressed Rojas-Santiago's arguments. *See United States v. Carty*, 520 F.3d 984, 992-93 (9th Cir. 2008) (en banc).

Rojas Santiago also contends that his sentence is substantively unreasonable. The district court did not abuse its discretion in imposing Rojas Santiago's sentence. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The low-end Guidelines sentence is substantively reasonable in light of the section 3553(a) factors and the totality of the circumstances, including the 120-month mandatory-minimum sentence for this crime and Rojas Santiago's role in the drug-trafficking operation. *See id.*

AFFIRMED.