

JUN 27 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NOT FOR PUBLICATION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.

MATTHEW CRAIG RUBIN,

Defendant - Appellant.

No. 13-50261

D.C. No. 2:04-cr-00515-RGK

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
R. Gary Klausner, District Judge, Presiding

Submitted June 25, 2014**

Before: HAWKINS, TALLMAN, and NGUYEN, Circuit Judges.

Matthew Craig Rubin appeals from the district court's judgment and challenges the 78-month sentence imposed following his guilty-plea conviction for conducting transactions in criminally derived property, in violation of 18 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).

§ 1957, and witness tampering, in violation of 18 U.S.C. § 1512(b)(1). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Rubin contends that the district court erred by denying his request for a downward adjustment for acceptance of responsibility under U.S.S.G. § 3E1.1 despite his sentencing enhancement for obstruction of justice under section 3C1.1. We review the district court's determination of whether a defendant has accepted responsibility for clear error. *See United States v. Rosas*, 615 F.3d 1058, 1066 (9th Cir. 2010). The district court did not clearly err in finding that Rubin's obstruction of justice, including his flight to Mexico while sentencing was pending in this case, was inconsistent with acceptance of responsibility. *See id.* at 1066-67.

AFFIRMED.