

DEC 12 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NOT FOR PUBLICATION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.

JESUS JIMENEZ-LEON, a.k.a. Jesus
Jimenez-Garcia,

Defendant - Appellant.

No. 14-10040

D.C. No. 4:13-cr-00465-RCC

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Raner C. Collins, Chief Judge, Presiding

Submitted December 9, 2014**

Before: WALLACE, LEAVY, and BYBEE, Circuit Judges.

Jesus Jimenez-Leon appeals from the district court’s judgment and challenges the below-Guidelines sentence of 39 months and three days imposed following his guilty-plea conviction for conspiracy to possess with intent to

* 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).

distribute marijuana, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(C) and 846, possession with intent to distribute marijuana, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(C), and reentry after deportation, in violation of 8 U.S.C. § 1326. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Jimenez-Leon contends that the district court erred by failing to consider and explain why it rejected his arguments for a larger downward variance under 18 U.S.C. § 3553(a). 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 considered Jimenez-Leon's mitigating arguments and explained the sentence adequately. *See United States v. Carty*, 520 F.3d 984, 992-93 (9th Cir. 2008) (en banc).

AFFIRMED.