

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

DEC 17 2014

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

HOMAR RENOVA-CASTILLO,

Defendant - Appellant.

No. 14-30018

D.C. No. 1:13-cr-00046-SPW

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Susan P. Watters, District Judge, Presiding

Submitted December 9, 2014**

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

Homar Renova-Castillo appeals from the district court's judgment and challenges the 135-month sentence imposed following his guilty-plea conviction for conspiracy to possess methamphetamine with intent to distribute, in violation of 21 U.S.C. § 846. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

* 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).

Renova-Castillo contends that the district court erred when it determined the quantity of methamphetamine for purposes of establishing his base offense level under the Sentencing Guidelines. He argues that the court should have calculated a lesser amount because he possessed some of the methamphetamine for personal use and not with the intent to distribute. We review the district court's factual findings at sentencing for clear error. *See United States v. Asagba*, 77 F.3d 324, 325 (9th Cir. 1996). The record reflects that the district court did not clearly err in finding that Renova-Castillo conspired to possess with the intent to distribute at least 1.8 kilograms of methamphetamine.

AFFIRMED.