

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

APR 13 2015

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ANNA MARGARITA SANDOVAL,

Defendant - Appellant.

No. 14-50140

D.C. No. 3:13-cr-03554-LAB

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Larry A. Burns, District Judge, Presiding

Submitted April 7, 2015**

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

Anna Margarita Sandoval appeals from the district court's judgment and challenges the 48-month sentence imposed following her guilty-plea conviction for importation of cocaine, in violation of 21 U.S.C. §§ 952 & 960. 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).

Sandoval contends that the district court procedurally erred by failing to award her a mitigating role adjustment under U.S.S.G. § 3B1.2. We review the district court's interpretation of the Sentencing Guidelines de novo, its application of the Guidelines to the facts of the case for abuse of discretion, and its determination that a defendant was not a minor participant for clear error. *See United States v. Hurtado*, 760 F.3d 1065, 1068 (9th Cir. 2014).

Contrary to Sandoval's argument, the record shows that the district court properly applied the Sentencing Guidelines and our precedent, basing its denial of the adjustment on the totality of the circumstances and a comparison of Sandoval's culpability to that of other individuals in the smuggling operation. *See* U.S.S.G. § 3B1.2 cmt. n.3(A), (C); *Hurtado*, 760 F.3d at 1068-69. Moreover, the district court did not clearly err in denying the mitigating role adjustment when Sandoval smuggled a significant quantity of drugs, registered the vehicle in her name, participated in the operation for two months, and had smuggled drugs into the country on two previous occasions. *See Hurtado*, 760 F.3d at 1069.

AFFIRMED.