

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 15 2015

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

BLADIMIR PEREZ,

Defendant - Appellant.

No. 14-50277

D.C. No. 3:13-cr-04331-BEN

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Roger T. Benitez, District Judge, Presiding

Submitted April 7, 2015**

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

Bladimir Perez appeals from the district court's judgment and challenges the 87-month sentence imposed following his guilty-plea conviction for importation of methamphetamine, in violation of 21 U.S.C. §§ 952 and 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).

Perez challenges the district court's denial of a minor-role reduction under U.S.S.G. § 3B1.2, claiming that the district court incorrectly interpreted and applied the Guideline in denying the reduction. We review the district court's interpretation of the Guidelines de novo and its finding that a defendant is not a minor participant for clear error. *See United States v. Hurtado*, 760 F.3d 1065, 1068 (9th Cir. 2014). Contrary to Perez's contention, the record reflects that the district court properly considered the totality of the circumstances and Perez's culpability relative to that of the average participant. *See* U.S.S.G. § 3B1.2 cmt. n.3(A) & (C); *Hurtado*, 760 F.3d at 1068-69. Moreover, because Perez was the registered owner and sole occupant of a vehicle in which a substantial amount of drugs were discovered, and he admitted to previously crossing the border with drugs, the district court did not clearly err in holding that he was not a minor participant. *See United States v. Rodriguez-Castro*, 641 F.3d 1189, 1193 (9th Cir. 2011).

AFFIRMED.