

APR 27 2015

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NOT FOR PUBLICATION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.

RAUL FLORES WONG,

Defendant - Appellant.

No. 14-50195

D.C. No. 3:13-cr-04431-LAB

MEMORANDUM*

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

Submitted April 22, 2015**

Before: GOODWIN, BYBEE, and CHRISTEN, Circuit Judges.

Raul Flores Wong appeals from the district court's judgment and challenges the 72-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 18 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).

Flores Wong contends that the district court erred by applying an incorrect legal standard for a minor-role adjustment under U.S.S.G. § 3B1.2(b). We review de novo the district court's interpretation of the Guidelines and for clear error the district court's factual determination that a defendant is not a minor participant. *See United States v. Hurtado*, 760 F.3d 1065, 1068 (9th Cir. 2014), *cert. denied* 135 S. Ct. 1467 (2015). Contrary to Flores Wong's contention, the record reflects that the court properly considered his culpability relative to that of the average participant in the offense. *See* U.S.S.G. § 3B1.2 cmt. n.3(A). Further, to the extent Flores Wong contends that he is entitled to a minor role reduction, the district court did not clearly err in denying the adjustment. *See Hurtado*, 760 F.3d at 1069.

AFFIRMED.