

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 30 2015

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 14-50164

Plaintiff - Appellee,

D.C. No. 3:13-cr-04128-BEN

v.

MEMORANDUM*

LUIS SANTILLAN,

Defendant - Appellant.

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

Submitted April 22, 2015**

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

Luis Santillan appeals from the district court's judgment and challenges the 60-month sentence imposed following his guilty-plea conviction for importation of cocaine and 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).

Santillan contends that the district court erred by denying his request for a minor-role adjustment under U.S.S.G. § 3B1.2. We review 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). In light of the totality of the circumstances, including Santillan's transportation of a substantial amount of cocaine and methamphetamine, the district court did not clearly err in determining that Santillan was not entitled to the adjustment. *See* U.S.S.G. § 3B1.2 cmt. n.3(C); *Hurtado*, 760 F.3d at 1069.

AFFIRMED.