

JUN 25 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NOT FOR PUBLICATION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.

IRVIN ALEJANDRO TORRES
GUZMAN,

Defendant - Appellant.

No. 14-50353

D.C. No. 3:13-cr-02646-L

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
M. James Lorenz, District Judge, Presiding

Submitted June 22, 2015 **

Before: HAWKINS, GRABER, and W. FLETCHER, Circuit Judges.

Irvin Alejandro Torres Guzman appeals from the district court's judgment and challenges the 60-month sentence imposed following his guilty-plea convictions for importation of methamphetamine and heroin, in violation of 21

* 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).

U.S.C. §§ 952 and 960. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Torres Guzman contends that the district court erred by denying his request for a minor role adjustment under U.S.S.G. § 3B1.2(b) and by misinterpreting the Guidelines. We review the district court's interpretation of the Guidelines de novo, and its factual determination that a defendant is not a minor participant for clear error. *See United States v. Hurtado*, 760 F.3d 1065, 1068 (9th Cir. 2014), *cert. denied*, 135 S. Ct. 1467 (2015).

The district court did not clearly err by finding that Torres Guzman did not play a minor role in the offense, especially in light of the amount of drugs involved and the nature and extent of Torres Guzman's involvement with the drug trafficking organization. *See id.*, 760 F.3d at 1069. Furthermore, contrary to Torres Guzman's contention, the district court did not misinterpret the Guidelines.

AFFIRMED.