

SEP 01 2015

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DOMINGO EDWARD OWEN,

Defendant - Appellant.

No. 14-50365

D.C. No. 3:14-cr-00990-WQH

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
William Q. Hayes, District Judge, Presiding

Submitted August 25, 2015**

Before: McKEOWN, CLIFTON, and HURWITZ, Circuit Judges.

Domingo Edward Owen appeals from the district court's judgment and challenges the 78-month sentence imposed following his guilty-plea conviction for possession of methamphetamine with intent to distribute, in violation of 21 U.S.C. § 841(a)(1). 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).

Owen asserts that the district court erred by declining to award a minor-role adjustment under U.S.S.G. § 3B1.2(b). We review a district court's interpretation of the Guidelines de novo 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), *cert. denied*, 135 S. Ct. 1467 (2015). The record reflects that the court properly applied the Guidelines and our precedent, considering the totality of the circumstances as well as Owen's role in the smuggling operation. *See id.* at 1068-69; *United States v. Rodriguez-Castro*, 641 F.3d 1189, 1193 (9th Cir. 2011). The district court did not clearly error in denying the adjustment. *See Hurtado*, 760 F.3d at 1068-69.

AFFIRMED.