

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 20 2015

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

OSWALDO IBARRA-MEZA, a.k.a.

Oswaldo Ibarra-Meza,

Defendant - Appellant.

No. 14-10077

D.C. No. 1:12-cr-00220-LJO

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Lawrence J. O'Neill, District Judge, Presiding

Submitted October 14, 2015**

Before: SILVERMAN, BYBEE, and WATFORD, Circuit Judges.

Oswaldo Ibarra-Meza appeals from the district court's judgment and challenges the 121-month sentence imposed following his guilty-plea conviction for conspiracy to distribute methamphetamine and possession of methamphetamine

* 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).

with intent to distribute, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(A). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Ibarra-Meza contends that the district court procedurally erred by failing to consider and address his request for a downward variance to the 120-month mandatory minimum sentence. We review for plain error, *see United States v. Valencia-Barragan*, 608 F.3d 1103, 1108 (9th Cir. 2010), and find none. The record reflects that the district court considered Ibarra-Meza's argument and granted a downward variance based on the 18 U.S.C. § 3553(a) factors. Contrary to Ibarra-Meza's contention, the court was not required to explicitly address each of his arguments. *See Rita v. United States*, 551 U.S. 338, 359 (2007).

AFFIRMED.