

JAN 28 2016

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NOT FOR PUBLICATION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.

KENNETH HUIDONG KANG,

Defendant - Appellant.

No. 14-10567

D.C. No. 1:12-cr-00042-FMTG

MEMORANDUM*

Appeal from the United States District Court
for the District of Guam
Frances M. Tydingco-Gatewood, Chief Judge, Presiding

Submitted January 20, 2016**

Before: CANBY, TASHIMA, and NGUYEN, Circuit Judges.

Kenneth Huidong Kang appeals from the district court's judgment and challenges the six-month sentence imposed following his guilty-plea conviction for criminal conspiracy, in violation of 18 U.S.C. §§ 2 and 371, and harboring illegal aliens, in violation of 8 U.S.C. § 1324(a)(1)(A)(iii) and (a)(1)(B)(i). We have

* 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).

jurisdiction under 28 U.S.C. § 1291, and we affirm.

Kang argues that the district court erred by denying his request for a three-level mitigating role adjustment under U.S.S.G. § 3B1.2. We review a district court's determination that a defendant did not have a mitigated role for clear error. *See United States v. Rosas*, 615 F.3d 1058, 1066 (9th Cir. 2010). In light of the facts, including the length of Kang's involvement in the conspiracy and his harboring of illegal aliens in his own home, the district court did not clearly err in denying the adjustment. *See id.* at 1067-68.

AFFIRMED.