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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NOT FOR PUBLICATION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.

DANNY LEWIS FROST,

Defendant-Appellant.

No. 15-30355

D.C. No. 1:15-cr-00018-SPW-1

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Montana  
Susan P. Watters, District Judge, Presiding

Submitted November 16, 2016\*\*

Before: LEAVY, BERZON, and MURGUIA, Circuit Judges.

Danny Lewis Frost appeals from the district court's judgment and challenges the 120-month sentence imposed following his guilty-plea conviction for possession with intent to distribute and conspiracy to possess with intent to

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\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and 846. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Frost argues that the district court erroneously determined that he was ineligible for safety valve relief because he had failed to disclose truthfully all of the information he had about the offense. We review for clear error, *see United States v. Mejia-Pimental*, 477 F.3d 1100, 1103 (9th Cir. 2007), and find none. After expressing an unwillingness to name his customers during his first debrief, Frost provided vague information about only three of his customers during his second debrief. Under these circumstances, the court did not clearly err in finding that Frost had not truthfully provided the government all information he had about the offense. *See* 18 U.S.C. § 3553(f)(5); *United States v. Ferryman*, 444 F.3d 1183, 1186 (9th Cir. 2006) (“We accept the lower court’s findings of fact [regarding safety valve] unless we are left with a definite and firm conviction that a mistake has been made.”)

**AFFIRMED.**