

FEB 27 2017

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NOT FOR PUBLICATION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.

FIDEL ANGEL-RUIZ,

Defendant-Appellant.

No. 15-50529

D.C. No. 3:15-cr-01029-LAB

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Larry A. Burns, District Judge, Presiding

Submitted February 14, 2017**

Before: GOODWIN, FARRIS, and FERNANDEZ, Circuit Judges.

Fidel Angel-Ruiz appeals from the district court's judgment and challenges the 78-month sentence imposed following his guilty-plea conviction for importation of methamphetamine, in violation of 21 U.S.C. §§ 952 and 960. 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 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).

Angel-Ruiz contends that the district court clearly erred when it denied his request for a minor role adjustment under U.S.S.G. § 3B1.2. The record reflects that the court properly compared Angel-Ruiz to his co-participants in the offense, and considered all of the factors enumerated in the commentary to the minor role Guideline. *See* U.S.S.G. § 3B1.2 cmt. n.3(C) (2015); *United States v. Quintero-Leyva*, 823 F.3d 519, 523 (9th Cir. 2016). In light of the totality of the circumstances, including Angel-Ruiz’s repeated involvement in transporting drugs into the United States and money back to Mexico, we conclude that the district court did not clearly err in finding that Angel-Ruiz was not a minor participant. *See Quintero-Leyva*, 823 F.3d at 522-23.

AFFIRMED.