

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 11 2017

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 16-10324

Plaintiff-Appellee,

D.C. No. 4:04-cr-02244-CKJ

v.

MEMORANDUM*

ARLENE MARTINEZ,

Defendant-Appellant.

Appeal from the United States District Court
for the District of Arizona
Cindy K. Jorgenson, District Judge, Presiding

Submitted May 8, 2017**

Before: REINHARDT, LEAVY, and NGUYEN, Circuit Judges.

Arlene Martinez appeals from the district court's order denying her motion for a sentence reduction under 18 U.S.C. § 3582(c)(2). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Martinez contends that the district court abused its discretion by denying her

* 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).

motion for a sentence reduction under Amendment 782 to the Sentencing Guidelines. The district court properly interpreted and applied U.S.S.G. § 1B1.10 in considering Martinez's motion and did not abuse its discretion by denying Martinez a sentence reduction based on her criminal history, her role in the offense, and her post-offense conduct. *See* U.S.S.G. § 1B1.10 cmt. n.1(B); *United States v. Dunn*, 728 F.3d 1151, 1155 (9th Cir. 2013). Contrary to Martinez's contention, the district court adequately explained its determination that a reduction was unwarranted. *See United States v. Trujillo*, 713 F.3d 1003, 1010 (9th Cir. 2013).

AFFIRMED.