

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 15 2018

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 17-50291

Plaintiff-Appellee,

D.C. No. 3:15-cr-00370-LAB

v.

CHARU BRAZIL ADAMS,

MEMORANDUM*

Defendant-Appellant.

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

Submitted June 12, 2018**

Before: RAWLINSON, CLIFTON, and NGUYEN, Circuit Judges.

Charu Brazil Adams appeals from the district court's judgment and challenges the 66-month sentence imposed upon remand 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).

Adams contends that the district court erred in denying a minor role adjustment under U.S.S.G. § 3B1.2 by misapplying the factors listed in the commentary to the Guideline. We review the district court's factual findings for clear error and its application of the Guidelines to the facts for abuse of discretion. *See United States v. Gasca-Ruiz*, 852 F.3d 1167, 1170 (9th Cir. 2017) (en banc). The record shows that the district court denied the minor role adjustment after considering each of the factors, *see* U.S.S.G. § 3B1.2 cmt. n.3(C), and did not base the denial on clearly erroneous factual findings. The district court did not abuse its discretion in applying the facts of Adams' case, including Adams' decision to sign the vehicle registration paperwork and Adams' prior successful importation crossing, to the Guidelines.

AFFIRMED.