

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 29 2018

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 17-30232

Plaintiff-Appellee,

D.C. No. 1:16-cr-00053-SPW

v.

MEMORANDUM*

ALFONSO BANDERAS-MARTINEZ,
a.k.a. Alfonso Martinez-Solorio,

Defendant-Appellant.

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

Submitted October 22, 2018**

Before: SILVERMAN, GRABER, and GOULD, Circuit Judges.

Alfonso Banderas-Martinez 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 methamphetamine, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A). We have jurisdiction under 28 U.S.C. § 1291, and we

* 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).

affirm.

Banderas-Martinez contends that the district court erred by denying a minor role adjustment under U.S.S.G. § 3B1.2. 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's decision to deny a minor role reduction was not an abuse of discretion in light of Banderas-Martinez's participation in multiple high-quantity deliveries to several lesser associates and the amount of methamphetamine involved in the offense. *See United States v. Quintero-Leyva*, 823 F.3d 519, 523 (9th Cir. 2016).

AFFIRMED.