

OCT 05 2010

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NOT FOR PUBLICATION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.

JOSE LUIS ALVAREZ-LOPEZ,

Defendant - Appellant.

No. 09-30352

D.C. No. 1:08-cr-00113-EJL

MEMORANDUM*

Appeal from the United States District Court
for the District of Idaho
Edward J. Lodge, District Judge, Presiding

Submitted September 13, 2010**

Before: SILVERMAN, CALLAHAN, and N.R. SMITH, Circuit Judges.

Jose Luis Alvarez-Lopez appeals from the 120-month sentence imposed following a guilty-plea conviction for conspiracy to 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.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

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

Alvarez-Lopez contends that the district court erred by failing to grant safety-valve relief, because: (1) the district court relied on a mistaken belief that he admitted to a role in the conspiracy beyond what was stated at the plea hearing; (2) there was substantial evidence of miscommunication between himself and the government, and (3) he was denied the opportunity to provide a truthful and complete statement. The district court did not clearly err by denying relief based on its conclusion that Alvarez-Lopez had not provided a completely truthful account regarding his role in the conspiracy despite the numerous opportunities he was given to do so. *See* 18 U.S.C. § 3553(f)(5); *United States v. Mejia-Pimental*, 477 F.3d 1100, 1105 (9th Cir. 2007) (stating that a defendant's good faith obligation under § 3553(f) is satisfied by providing the government with truthful and complete information by the time of the sentencing hearing).

AFFIRMED.