

MAR 29 2011

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NOT FOR PUBLICATION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.

MARCIAL CARDENAS-VILLANUEVA,

Defendant - Appellant.

No. 10-30207

D.C. No. 2:09-cr-00133-FVS

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of Washington
Fred L. Van Sickle, District Judge, Presiding

Submitted March 8, 2011**

Before: FARRIS, O'SCANNLAIN, and BYBEE, Circuit Judges.

Marcial Cardenas-Villanueva appeals from the 120-month sentence imposed following his guilty-plea conviction for conspiracy to manufacture 1,000 or more marijuana plants, in violation of 21 U.S.C. § 846, and destruction of government

* 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).

property, in violation of 18 U.S.C. § 1361. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Cardenas-Villanueva contends that the district court clearly erred at sentencing by denying safety-valve relief based on its determination that Cardenas-Villanueva failed to meet his burden of establishing that he had truthfully provided to the government all of the information he had concerning the offense. The record reflects that the district court did not clearly err. *See United States v. Cantrell*, 433 F.3d 1269, 1284 (9th Cir. 2006) (“So long as the district court’s view of the evidence is plausible in light of the record viewed in its entirety, it cannot be clearly erroneous.”).

AFFIRMED.