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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff - Appellee,</p> <p>v.</p> <p>LEOBARDO OLAZABAL CARRANZA,</p> <p>Defendant - Appellant.</p>
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No. 11-10238

D.C. No. 2:09-cr-00206-GEB

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Garland E. Burrell, Jr., District Judge, Presiding

Submitted May 15, 2012 **

Before: CANBY, GRABER, and M. SMITH, Circuit Judges.

Leobardo Olazabal Carranza appeals from his guilty-plea conviction and 120-month sentence for distribution of methamphetamine, in violation of 21 U.S.C. § 841(a)(1). 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).

Carranza contends that the district court erred by denying him relief under the safety valve provision of 18 U.S.C. § 3553(f) and U.S.S.G. § 5C1.2. He argues that the district court failed to give reasons for the denial, to make factual findings, or to conduct an evidentiary hearing. The district court's reasons for denying safety valve relief are evident from the record, and it did not clearly err in determining that Carranza did not provide the government truthful and complete information regarding the offense. *See United States v. Ajugwo*, 82 F.3d 925, 929 (9th Cir. 1996). Furthermore, the district court had enough information to make a reasoned decision and therefore did not plainly err by failing to hold an evidentiary hearing. *See United States v. Berry*, 258 F.3d 971, 976 (9th Cir. 2001) (plain error review applies when the defendant does not request an evidentiary hearing); *United States v. Real-Hernandez*, 90 F.3d 356, 362 (9th Cir. 1996) (“There is no general right to an evidentiary hearing at sentencing.”).

AFFIRMED.