

MAR 05 2012

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NOT FOR PUBLICATION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.

DANIEL ALDECOA-GONZALEZ,

Defendant - Appellant.

No. 11-10376

D.C. No. 4:10-cr-02186-CKJ

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Cindy K. Jorgenson, District Judge, Presiding

Submitted February 21, 2012**

Before: FERNANDEZ, McKEOWN, and BYBEE, Circuit Judges.

Daniel Aldecoa-Gonzalez appeals from the 41-month sentence imposed following his guilty-plea conviction for importation of cocaine, in violation of 21 U.S.C. §§ 925(a), and 960(a)(1), (b)(2)(B)(ii), and possession with intent to

* 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).

distribute cocaine, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B)(ii)(II). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Aldecoa-Gonzalez contends that the district court erred by declining to award a minor role adjustment because he was less culpable than the principals in the offense. The district court did not clearly err by declining to award the adjustment. *See United States v. Cantrell*, 433 F.3d 1269, 1283 (9th Cir.2006).

Aldecoa-Gonzalez also contends that the district court erred by not granting a third-point reduction for acceptance of responsibility. This contention lacks merit. *See* U.S.S.G. § 3E1.1(b), cmt. n. 6; *see also United States v. Johnson*, 581 F.3d 994, 1004 (9th Cir. 2006).

Aldecoa-Gonzalez finally contends the district court procedurally erred by failing properly to calculate the advisory Guidelines range. This contention is belied by the record. *See United States v. Carty*, 520 F.3d 984, 991 (9th Cir. 2008) (en banc).

AFFIRMED.