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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ZAIRA ELIZABETH CORONEL,

Defendant - Appellant.

No. 11-50128

D.C. No. 3:10-cr-01581-DMS

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Dana M. Sabraw, District Judge, Presiding

Submitted November 13, 2012**

Before: CANBY, TROTT, and W. FLETCHER, Circuit Judges.

Zaira Elizabeth Coronel appeals from the 120-month sentence imposed following her guilty-plea conviction for importation of cocaine, in violation of 21 U.S.C. §§ 952, 960. 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).

Coronel contends that the district court erred by applying the wrong legal standard when evaluating whether she was entitled to relief under the safety valve provision of 18 U.S.C. § 3553(f). The record reflects that the district court applied the correct legal standard in denying safety valve relief.

Coronel also contends that the district court erred by failing to provide an adequate statement of reasons for denying relief and because Coronel made a good-faith effort to truthfully provide all information and evidence concerning the offense. The record supports the district court's determination that Coronel's testimony was inconsistent and conflicting. The district court did not clearly err when it determined that Coronel did not meet her burden of proving by a preponderance of the evidence that she qualified for safety valve relief. *See United States v. Diaz-Cardenas*, 351 F.3d 404, 409 (9th Cir. 2003).

AFFIRMED.