

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

AUG 20 2013

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ALEXANDRO NECOCHEA-VALERA,

Defendant - Appellant.

No. 12-50541

D.C. No. 3:12-cr-02203-LAB-1

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Larry A. Burns, District Judge, Presiding

Submitted August 1, 2013 **

Before: GRABER, WARDLAW, and PAEZ, Circuit Judges.

Alexandro Necochea-Valera appeals from the district court's judgment and challenges the 41-month sentence imposed following his guilty-plea conviction for importation of marijuana, 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).

Contrary to Necochea's assertion, the district court did not clearly err in denying him a minor role adjustment under U.S.S.G. § 3B1.2(b). *See United States v. Hursh*, 217 F.3d 761, 770 (9th Cir. 2000) (denial of minor role adjustment not clear error where the defendant was the sole driver and occupant of a car in which a substantial amount of drugs were hidden).

AFFIRMED.