

MAY 22 2014

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NOT FOR PUBLICATION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.

TEODORO LEON-VARGAS,

Defendant - Appellant.

No. 13-50253

D.C. No. 3:12-cr-04970-LAB

MEMORANDUM*

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

Submitted May 13, 2014**

Before: CLIFTON, BEA, and WATFORD, Circuit Judges.

Teodoro Leon-Vargas appeals from the district court's judgment and challenges the 68-month sentence imposed following his guilty-plea conviction for importation of methamphetamine, in violation of 21 U.S.C. §§ 952 and 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).

Leon-Vargas contends that the district court erred by considering the amount of drugs involved in the offense when it denied his request for a minor role adjustment under U.S.S.G. § 3B1.2(b). This contention is foreclosed. *See United States v. Rodriguez-Castro*, 641 F.3d 1189, 1192-93 (9th Cir. 2011) (relying in part on the quantity of drugs involved to affirm denial of minor role adjustment); *see also Newdow v. Lefevre*, 598 F.3d 638, 644 (9th Cir. 2010) (a three-judge panel is bound by circuit precedent unless it is “clearly irreconcilable” with intervening higher authority).

AFFIRMED.