

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 24 2015

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ANTHONY CHRISTOPHER EBBE,

Defendant - Appellant.

No. 14-50043

D.C. No. 3:13-cr-00427-JAH

MEMORANDUM*

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

Submitted February 17, 2015**

Before: O'SCANNLAIN, LEAVY, and FERNANDEZ, Circuit Judges.

Anthony Christopher Ebbe appeals from the district court's judgment and challenges the 63-month sentence imposed following his guilty-plea conviction for importation of cocaine and 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).

Ebbe challenges the district court's denial of a minor-role reduction under U.S.S.G. § 3B1.2, claiming that the district court incorrectly interpreted and applied the Guidelines in denying the reduction. We review the district court's interpretation of the Guidelines de novo, its application of the Guidelines to the facts of the case for abuse of discretion, and its finding that a defendant is not a minor participant for clear error. *See United States v. Rodriguez-Castro*, 641 F.3d 1189, 1192 (9th Cir. 2011). Contrary to Ebbe's suggestion, the Guidelines do not mandate a minor role reduction for couriers. *See id.* at 1193. Rather, a downward adjustment may be denied to a courier defendant when an additional factor shows that he did not play a minor role. *See id.* The district court did not abuse its discretion in denying the reduction to Ebbe, who admitted to smuggling drugs for the drug trafficking organization on at least 30 occasions and who was the registered owner and sole occupant of the car in which a substantial amount of drugs were discovered. *See id.*

AFFIRMED.