

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 21 2019

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

JESUS JAIME FIGUEROA, AKA Jesus
Jamie Figueroa,

Defendant-Appellant.

No. 18-10488

D.C. No. 2:18-cr-00214-SPL-1

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Steven P. Logan, District Judge, Presiding

Submitted November 18, 2019**

Before: CANBY, TASHIMA, and CHRISTEN, Circuit Judges.

Jesus Jaime Figueroa appeals from the district court's judgment and challenges the 46-month sentence imposed following his guilty-plea conviction for conspiracy to possess with intent to distribute a controlled substance, in violation of 21 U.S.C. § 846; and possession with intent to distribute a controlled substance,

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

and aiding and abetting, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A)(ii)(II) and 18 U.S.C. § 2. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Figueroa contends that the district court erred by denying his request for a minimal role adjustment under U.S.S.G. § 3B1.2(a). We review the district court's application of the Guidelines to the facts for abuse of discretion. *See United States v. Gasca-Ruiz*, 852 F.3d 1167, 1170 (9th Cir. 2017) (en banc). Under the circumstances of this case, including the fact that Figueroa was entrusted to transport and deliver a significant amount of cocaine, the district court did not abuse its discretion in determining that, while Figueroa qualified for a minor role reduction pursuant to U.S.S.G. § 3B1.2(b), he was not “plainly among the least culpable of those involved in the conduct of [the] group.” *See* U.S.S.G. § 3B1.2 cmt. n.4; *see also United States v. Awad*, 371 F.3d 583, 591 (9th Cir. 2004) (minimal role reduction restricted to cases presenting exceptional circumstances).

AFFIRMED.