

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 10 2020

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 19-50211

Plaintiff-Appellee,

D.C. No. 3:18-cr-05419-LAB-1

v.

MEMORANDUM\*

JULIE MORENO-GUZMAN,

Defendant-Appellant.

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

Submitted January 8, 2020\*\*

Before: CALLAHAN, NGUYEN, and HURWITZ, Circuit Judges.

Julie Moreno-Guzman appeals from the district court's judgment and challenges the 78-month sentence imposed following her guilty-plea conviction for importation of methamphetamine and heroin, in violation of 21 U.S.C. §§ 952 and 960. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

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\* 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).

Moreno-Guzman contends that the district court procedurally erred by failing to consider adequately or discuss her arguments for a below-Guidelines sentence. The district court did not plainly err. *See United States v. Valencia-Barragan*, 608 F.3d 1103, 1108 (9th Cir. 2010). The record reflects that the district court expressly considered Moreno-Guzman's mitigating arguments but explained that a within-Guidelines sentence was nonetheless warranted in light of the aggravating factors. *See United States v. Carty*, 520 F.3d 984, 992 (9th Cir. 2008) (en banc). The fact that the court did not give more substantial weight to the mitigating factors does not mean that it did not consider them.

**AFFIRMED.**