

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

SEP 04 2008

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CAMERINO TORRES-ESTRADA,

Defendant - Appellant.

No. 07-50529

D.C. No. CR-07-00527-L-4

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
M. James Lorenz, District Judge, Presiding

Submitted August 26, 2008**

Before: SCHROEDER, KLEINFELD, and IKUTA, Circuit Judges.

Camerino Torres-Estrada appeals from the 21-month sentence imposed following his guilty-plea conviction for conspiracy to import marijuana, in

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

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

violation of 21 U.S.C. §§ 952, 960, and 963. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Torres-Estrada contends that the district court clearly erred by sentencing him based on the total amount of drugs involved in the conspiracy, pursuant to U.S.S.G. § 1B1.3. This contention fails because the record demonstrates that Torres-Estrada participated in a joint undertaking rather than several separate criminal activities. *See United States v. Dallman*, 533 F.3d 755, 760 (9th Cir. 2008); *see also* U.S.S.G. § 1B1.3 cmt. n.2(c)(8).

Torres-Estrada also contends that the district court abused its discretion by imposing a sentence greater than necessary to serve the ends of justice and by miscalculating his base offense level. We conclude that there was no procedural error and that Torres-Estrada's sentence is reasonable. *See United States v. Carty*, 520 F.3d 984, 990-93 (9th Cir. 2008) (en banc).

AFFIRMED.