

JAN 24 2008

CATHY A. CATTERSON, 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NOT FOR PUBLICATION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.

JUAN RAMIREZ-NEVAREZ,

Defendant - Appellant.

No. 07-50055

D.C. No. CR-06-01298-LAB

MEMORANDUM*

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

Submitted January 14, 2008**

Before: HALL, O'SCANNLAIN, and PAEZ, Circuit Judges.

Juan Ramirez-Nevarez appeals from his 60-month sentence imposed following his guilty-plea conviction for importation of methamphetamine, in violation of 21 U.S.C. §§ 952, 960. We have jurisdiction pursuant to

* 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).

28 U.S.C. § 1291, and we affirm.

Ramirez-Nevarez contends that he should have received a minor role adjustment pursuant to U.S.S.G. § 3B1.2. We disagree. Given the large quantity of drugs involved in the offense coupled with Ramirez-Nevarez' admission that he imported drugs into the United States on the two days preceding his arrest, the district court did not clearly err in denying the minor role adjustment. *See United States v. Murillo*, 255 F.3d 1169, 1179 (9th Cir. 2001), *overruled on other grounds as recognized in United States v. Mendez*, 476 F.3d 1077, 1080 (9th Cir. 2007).

Ramirez-Nevarez also contends that the district court erred in refusing to depart four levels pursuant to U.S.S.G. § 5K3.1. Given the district court's analysis of the factors set forth in 18 U.S.C. § 3553(a) coupled with the nature and circumstances of the offense, we cannot say the sentence was unreasonable. *See Gall v. United States*, 128 S. Ct. 586, 594 (2007); *see also United States v. Mohamed*, 459 F.3d 979, 987 (9th Cir. 2006).

AFFIRMED.