

**FILED**

**OCT 01 2007**

**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**NOT FOR PUBLICATION**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.

HERLINDA ROJAS COBIAN,

Defendant - Appellant.

No. 06-30255

D.C. No. CR-03-02135-EFS

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of Washington  
Edward F. Shea, District Judge, Presiding

Submitted September 24, 2007\*\*

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

Herlinda Rojas Cobian appeals from the 120-month sentence imposed upon resentencing following her jury-trial conviction for conspiracy to distribute a controlled substance in violation of 21 U.S.C. §§ 841(a)(1) and 846, distribution

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

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

of a controlled substance in violation of 21 U.S.C. § 841(a)(1), and possession with intent to distribute a controlled substance in violation of 21 U.S.C.

§ 841(a)(1). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Cobian contends that the district court erred by denying her safety valve relief. The district court denied relief, in part, on the basis that Cobian failed to truthfully provide to the government all information and evidence that she had concerning the offense by the time of the resentencing hearing. *See* 18 U.S.C. § 3553(f)(5). We conclude that the district court did not clearly err in finding that Cobian failed to meet this criterion. *See United States v. Mejia-Pimental*, 477 F.3d 1100, 1101-02 (9th Cir. 2007) (stating that § 3553(f) requires a good faith effort to provide the government with truthful and complete information by the time of the sentencing hearing).

**AFFIRMED.**