

# APPENDIX A

749 Fed.Appx. 555 (Mem)

This case was not selected for publication in West's Federal Reporter. See Fed. Rule of Appellate Procedure 32.1 generally governing citation of judicial decisions issued on or after Jan. 1, 2007. See also U.S.Ct. of App. 9th Cir. Rule 36-3. United States Court of Appeals, Ninth Circuit.

UNITED STATES of America, Plaintiff-Appellee,  
v.

**Isela** Alejandra **CAMPOS**, Defendant-Appellant.

No. 18-50044

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Submitted January 15, 2019 \*

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Filed January 18, 2019

#### Attorneys and Law Firms

Chelsea A. Estes and [Zandra L. Lopez](#), Federal Defenders of San Diego, Inc., San Diego, CA, for Defendant-Appellant.

Mark R. Rehe, Assistant U.S. Attorney, Office of the U.S. Attorney, San Diego, CA, for Plaintiff-Appellee.

Appeal from the United States District Court for the Southern District of California, Roger T. Benitez, District Judge, Presiding, D.C. No. 3:17-cr-01731-BEN

Before: [Trott](#), [Tallman](#), and [Callahan](#), Circuit Judges.

#### MEMORANDUM \*\*

**Isela** Alejandra **CAMPOS** appeals from the district court's judgment and challenges the 108-month sentence and 5-year term of supervised release imposed following her guilty-plea conviction for importation of methamphetamine, in violation of [21 U.S.C. §§ 952](#) and [960](#). We have jurisdiction under [28 U.S.C. § 1291](#), and we affirm.

Campos first contends that the district court misinterpreted and misapplied the minor role Guideline, [U.S.S.G. § 3B1.2](#), and its commentary in denying her request for a minor role reduction. We review the district court's interpretation of the Guidelines de novo and its 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).

The record reveals that the district court applied the correct legal standard, asking whether Campos was "substantially less culpable than the average participant." *See U.S.S.G. § 3B1.2 cmt. n.3(A)*. Contrary to Campos's claim, the district court did not refuse to apply the five factors listed in the commentary, *see U.S.S.G. § 3B1.2 cmt. n.3(C)*, but rather concluded that they did not weigh in Campos's favor because her allegedly limited knowledge about the drug organization and its participants was not credible. We defer to the district court's credibility determinations. *See United States v. Nelson*, 137 F.3d 1094, 1110 (9th Cir. 1998). In light of Campos's evolving story, and the very large quantity of drugs she imported, the court did not abuse its discretion in concluding that Campos's role in the offense was more significant than she claimed and that she was not entitled to a minor role adjustment.

Campos next contends that the district court failed to explain the sentence adequately and that the 108-month sentence is substantively unreasonable. The district court explained that, notwithstanding Campos's mitigating circumstances, a 108-month sentence was warranted in light of the seriousness of the offense, and the need to deter and to protect the public. This explanation was sufficient. *See United States v. Carty*, 520 F.3d 984, 992 (9th Cir. 2008) (en banc). Moreover, the district \*556 court did not abuse its discretion in imposing a low-end sentence, which is substantively reasonable in light of the [18 U.S.C. § 3553\(a\)](#) sentencing factors and the totality of the circumstances. *See Gall v. United States*, 552 U.S. 38, 51, 128 S.Ct. 586, 169 L.Ed.2d 445 (2007).

Finally, Campos contends that the district court erred by failing to calculate the supervised release Guidelines range and by failing to explain the 5-year term of supervised release. Reviewing for plain error, *see United States v. Valencia-Barragan*, 608 F.3d 1103, 1108 (9th Cir. 2010), we conclude that there is none because Campos has not shown a reasonable probability that her sentence would have been different absent the alleged errors, *see United States v. Dallman*, 533 F.3d 755, 762 (9th Cir. 2008).

#### AFFIRMED.

#### All Citations

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Footnotes

- \* The panel unanimously concludes this case is suitable for decision without oral argument. See [Fed. R. App. P. 34\(a\)\(2\)](#).
- \*\* This disposition is not appropriate for publication and is not precedent except as provided by [Ninth Circuit Rule 36-3](#).

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