

MAR 26 2008

MOLLY DWYER, ACTING 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NOT FOR PUBLICATION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.

PEDRO SANCHEZ, aka Armando
Siemeon Mitra; et al.,

Defendant - Appellant.

No. 07-50224

D.C. No. CR-06-00124-DOC-11

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
David O. Carter, District Judge, Presiding

Submitted March 18, 2008**

Before: CANBY, T.G. NELSON, and BEA, Circuit Judges.

Pedro Sanchez appeals from his 168-month sentence imposed following a
guilty plea conviction for conspiracy to possess with intent to distribute

* 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).

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methamphetamine, in violation of 21 U.S.C. § 846. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Sanchez contends that the district court erred in applying a two-level enhancement, pursuant to U.S.S.G. § 2D1.1(b)(1), for possession of a firearm. The district court properly determined that Sanchez possessed a firearm during the commission of the conspiracy. *See United States v. Gillock*, 886 F.2d 220, 223 (9th Cir. 1989) (per curiam). Moreover, it was not "clearly improbable that the weapon was connected with the offense." *See United States v. Lopez-Sandoval*, 146 F.3d 712, 715 (9th Cir. 1998). Accordingly, the district court did not clearly err in applying a two-level enhancement for possession of a firearm. *See United States v. Stewart*, 926 F.2d 899, 902 (9th Cir. 1991).

Sanchez's contention under *Blakely v. Washington*, 542 U.S. 296 (2004), also fails. *See United States v. Booker*, 543 U.S. 220, 246 (2005).

AFFIRMED.