

JAN 26 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SERGIO CARRENO, a/k/a Sergio Carreno Hernandez, Sergio Eduardo Sergio Eduardo Carreno Hernandez, a/k/a Edward Hernandez, a/k/a David Morales Flores, a/k/a Julio A. Pons a/k/a Cero Rios,

Defendant - Appellant.

No. 07-50213

D.C. No. CR-06-00069-DDP-02

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
Dean D. Pregerson, District Judge, Presiding

Submitted January 13, 2009\*\*

Before: O'SCANNLAIN, BYBEE, and CALLAHAN, Circuit Judges.

Sergio Carreno appeals from the 57-month sentence imposed following his

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\* 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).

jury-trial conviction for conspiracy, in violation of 18 U.S.C. § 371, and trafficking in motor vehicles with altered identification numbers, in violation of 18 U.S.C. § 2321. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Carreno first contends that the district court plainly erred by failing to provide notice that it intended to apply an upward adjustment for his role in the offense, pursuant to U.S.S.G. § 3B1.1(c). We conclude that Carreno has not established that any error affected his substantial rights. *See United States v. Olano*, 507 U.S. 725, 734 (1993).

Carreno also contends that the district court erred by applying the two-level aggravating role adjustment. We find no clear error. *See United States v. Maldonado*, 215 F.3d 1046, 1051 (9th Cir. 2000).

**AFFIRMED.**