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U.S. COURT OF APPEALS

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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA, Plaintiff - Appellee, v. QUENTIN LAMONT HOWARD, Defendant - Appellant.	No. 07-50412 D.C. No. CR-05-00994-GHK MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
George H. King, District Judge, Presiding

Submitted January 13, 2009**

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

Quentin Lamont Howard appeals from the 120-month sentence imposed following his guilty-plea conviction for distribution of cocaine base, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A)(iii). We have jurisdiction pursuant to 28 U.S.C.

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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).

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§ 1291, and we affirm.

Howard contends that the government engaged in sentencing entrapment by deliberately using his sexual attraction to the informant to induce him into selling a larger quantity of crack than he otherwise would have, thereby triggering a higher mandatory minimum sentence. The district court did not clearly err in finding that Howard failed to meet his burden of demonstrating entrapment by a preponderance of the evidence. *See United States v. Naranjo*, 52 F.3d 245, 250 n.13 (9th Cir. 1995) (finding that the burden is on the defendant to demonstrate both a lack of intent and a lack of resources to complete the transaction in order to sustain a claim of sentencing entrapment).

AFFIRMED.