

FEB 19 2009

MOLLY C. DWYER, 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NOT FOR PUBLICATION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.

JUAN CARLOS RAMOS,

Defendant - Appellant.

No. 07-50532

D.C. No. CR-06-1226-IEG

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Irma E. Gonzalez, Chief District Judge, Presiding

Argued and Submitted September 12, 2008
Pasadena, California

Before: SCHROEDER and RAWLINSON, Circuit Judges, and
SANDOVAL**, District Judge.

On July 6, 2007, Juan Carlos Ramos pled guilty to illegal reentry, in violation of 8 U.S.C. § 1326(a) & (b). On November 27, 2007, Ramos was

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

** The Honorable Brian E. Sandoval, United States District Judge for the District of Nevada, sitting by designation.

sentenced to sixty-three months' imprisonment, with three years supervised release. In the course of sentencing Ramos, the district court applied a sixteen-level enhancement to Ramos's base offense level because Ramos had previously been deported after being convicted of carjacking under Cal. Penal Code § 215, which the district court held constituted a crime of violence within the meaning of United States Sentencing Guideline ("U.S.S.G.") § 2L1.2. Ramos appeals his sentence, arguing that Cal. Penal Code § 215 is not a categorical crime of violence under U.S.S.G. § 2L1.2 and therefore the district court's imposition of a sixteen-level enhancement was erroneous.

We affirm, holding that a conviction under Cal. Penal Code § 215 categorically qualifies as a crime of violence under U.S.S.G. § 2L1.2, and therefore the district court's imposition of a sixteen-level enhancement was appropriate. *See United States v. Becerril-Lopez*, 541 F.3d 881, 885 (9th Cir. 2008) (holding that a conviction under California Penal Code § 211 is a categorical crime of violence under U.S.S.G. § 2L1.2). The same elements that make § 211 a crime of violence are also required in § 215. They include the felonious taking of property in the possession of another by means of force or fear.

AFFIRMED.