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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff - Appellee,</p> <p>v.</p> <p>MANUEL RICHARD TELLES,</p> <p>Defendant - Appellant.</p>
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No. 08-50270

D.C. No. 2:07-cr-00893-ODW

MEMORANDUM\*

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

Submitted March 18, 2009\*\*

Before: LEAVY, HAWKINS and TASHIMA, Circuit Judges.

Manuel Richard Telles appeals from the 188-month sentence imposed following his guilty-plea conviction of armed bank robbery, in violation of

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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).

18 U.S.C. § 2113(a). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Telles contends that, because he pled *nolo contendere* to his two prior robbery convictions under California Penal Code § 211, there was no factual basis for this court to determine whether either of those offenses qualify as a “crime of violence” for purposes of the career offender sentence enhancement. *See* U.S.S.G. § 4B1.1. We are unpersuaded, because a *nolo contendere* plea carries the same legal effect as a guilty plea. *See* U.S.S.G. §§ 4A1.2, § 4B1.2(c) (including conviction based on *nolo contendere* plea as a conviction that can be used to compute criminal history and career offender enhancement); *see also* Cal. Penal Code § 1016 (providing that *nolo contendere* plea has same legal effect as that of a guilty plea for all purposes). Accordingly, the district court did not err by sentencing Telles as a career offender.

**AFFIRMED.**