

JUN 30 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NOT FOR PUBLICATION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.

BRANDON ALLEN LYONS,

Defendant - Appellant.

No. 07-30273

D.C. No. CR-05-60015-1-MRH

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Michael R. Hogan, District Judge, Presiding

Submitted June 16, 2009**

Before: PAEZ, TALLMAN, and N.R. SMITH, Circuit Judges.

Brandon Allen Lyons appeals from the 180-month sentence imposed following his guilty-plea conviction for being a felon in possession of firearms and

* 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).

ammunition, in violation of 18 U.S.C. §§ 922(g)(1) and 924(e)(1). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Lyons contends that the district court erred when it determined that his three prior convictions for first-degree burglary, in violation of Oregon Revised Statute § 164.225, were predicate violent felonies for purposes of the Armed Career Criminal Act. This contention is foreclosed. *See United States v. Mayer*, 560 F.3d 948, 962-63 (9th Cir. 2009).

AFFIRMED.