

**NOT FOR PUBLICATION**

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

**FILED**

SEP 21 2009

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ISMAEL AMADOR-BELTRAN, aka  
Aurelio Amador, Aurelio Amador-  
Beltran,

Defendant - Appellant.

No. 07-10041

D.C. No. CR-06-01440-FRZ

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Arizona  
Frank R. Zapata, District Judge, Presiding

Argued and Submitted May 7, 2008  
Pasadena, California

Before: FISHER and PAEZ, Circuit Judges, and ROBART, District Judge.\*\*

Ismael Amador-Beltran appeals from the 41-month sentence imposed  
following his guilty plea to illegal reentry after deportation in violation of 8 U.S.C.

---

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

\*\* The Honorable James L. Robart, United States District Judge for the  
Western District of Washington, sitting by designation.

§ 1326. We have jurisdiction under 28 U.S.C. § 1291 and 18 U.S.C. § 3742(a), and we affirm.

Amador-Beltran argues that the district court erred in applying a 16-level enhancement to his offense level pursuant to United States Sentencing Guidelines § 2L1.2(b)(1)(A)(ii) based on his prior conviction for assault with a deadly weapon or by means likely to produce great bodily injury under California Penal Code section 245(a)(1). Specifically, he contends that section 245(a)(1) does not constitute a crime of violence for the purposes of the § 2L1.2(b)(1)(A)(ii) enhancement. Because we held that section 245(a)(1) is categorically a crime of violence under § 2L1.2(b)(1)(A)(ii) in *United States v. Grajeda*, No. 07-50387, filed concurrently with this memorandum, we reject his argument and affirm the sentence.

**AFFIRMED.**