

SEP 30 2009

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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NOT FOR PUBLICATION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>ALFREDO DOMINGUEZ-FLORES,</p> <p>Defendant - Appellant.</p>
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No. 08-10515

D.C. No. 2:07-CR-01381-PGR

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Arizona  
Paul G. Rosenblatt, District Judge, Presiding

Submitted September 14, 2009\*\*

Before: SILVERMAN, RAWLINSON, and CLIFTON, Circuit Judges.

Alfredo Dominguez-Flores appeals from the 46-month sentence imposed following his guilty-plea conviction for illegal re-entry after deportation, in violation of 8 U.S.C. § 1326. 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).

§ 1291, and we affirm.

Dominguez-Flores contends, among other things, that the district court erred when it imposed a 16-level enhancement pursuant to U.S.S.G. § 2L1.2(b)(1) because his prior Arizona state conviction for attempted transportation of marijuana for sale does not constitute a drug trafficking offense. We are precluded from reaching the merits of this claim by the valid appeal waiver. *See United States v. Nunez*, 223 F.3d 956, 958 (9th Cir. 2000); *see also United States v. Bibler*, 495 F.3d 621, 623-24 (9th Cir. 2007).

**AFFIRMED.**