

MAR 04 2010

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NOT FOR PUBLICATION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.

EDIN ORLANDO COTO, aka Edin Coto
Edgar Mejia,

Defendant - Appellant.

No. 08-50169

D.C. No. 2:07-cr-00643-PA-1

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Percy Anderson, District Judge, Presiding

Submitted February 16, 2010**

Before: FERNANDEZ, GOULD and M. SMITH, Circuit Judges.

Edin Coto appeals the 72-month sentence imposed following his jury conviction of being an illegal alien found in the United States after deportation in

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

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

violation of 8 U.S.C. § 1326. Coto contends that the district court erred in determining that his prior conviction for second degree robbery in violation of Calif. Penal Code § 211 was a "crime of violence" supporting a 16-level enhancement under U.S.S.G. § 2L1.2(b)(1)(A)(ii). As Coto concedes, this contention is foreclosed by *United States v. Becerril-Lopez*, 541 F.3d 881 (9th Cir. 2008).

AFFIRMED.