

APR 12 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NOT FOR PUBLICATION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.

BOBBY BARNARD BEASLEY, also
known as Cutthroat,

Defendant - Appellant.

No. 08-30415

D.C. No. 2:08-cr-00134-RSL

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Robert S. Lasnik, Chief District Judge, Presiding

Argued and Submitted July 6, 2009
Seattle, Washington

Before: O'SCANNLAIN, KLEINFELD and BERZON, Circuit Judges.

Beasley appeals his sentence of 37 months imprisonment, followed by 3 years supervised release, for unlawful possession of a firearm by a felon, in violation of 18 U.S.C. § 922(g)(1).

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

Beasley's 2005 conviction for first degree theft under Washington Revised Code § 9A.56.030(1)(b) is categorically a crime of violence within the meaning of U.S. Sentencing Guidelines § 2K1.1(a)(4). This case is directly controlled by our holding in Beasley's co-defendant's appeal, United States v. Alderman, ___ F.3d ___ (9th Cir. 2010). We affirm for the reasons laid out in Alderman.

AFFIRMED.