

MAR 17 2011

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NOT FOR PUBLICATION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.

TYRE JAMAR MAYERS,

Defendant - Appellant.

No. 09-30190

D.C. No. 2:08-cr-00352-MJP

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Marsha J. Pechman, District Judge, Presiding

Submitted March 8, 2011**

Before: FARRIS, LEAVY, and BYBEE, Circuit Judges.

Tyre Jamar Mayers appeals from his sentence imposed following his guilty plea to two counts of being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1). Mayers contends that the district court erred in determining that his prior conviction for theft in the first degree, in violation of former Revised

* 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).

Code of Washington § 9A.56.030(1)(b), was a "crime of violence" under U.S.S.G. § 2K2.1. As Mayers concedes, this contention is foreclosed by *United States v. Alderman*, 601 F.3d 949 (9th Cir. 2010).

AFFIRMED.