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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ANGEL DANILO VASQUEZ-
SALGUERO,

Defendant - Appellant.

No. 08-10377

D.C. No. 2:07-CR-01204-SRB-1

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Susan R. Bolton, District Judge, Presiding

Argued and Submitted April 11, 2011
San Francisco, California

Before: FERNANDEZ and RAWLINSON, Circuit Judges, and WELLS, Senior
District Judge.**

Angel Danilo Vasquez-Salguero appeals the district court's application of a
sixteen-level enhancement to his sentence for illegal reentry after deportation. The

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

** The Honorable Lesley Wells, Senior District Judge for the Northern
District of Ohio, sitting by designation.

district court concluded, without analysis, that Vasquez-Salguero's prior burglary conviction under Arizona Revised Statutes § 13-1507 qualified as a crime of violence.

We have previously held that Arizona burglary does not categorically match the generic federal definition. See United States v. Bonat, 106 F.3d 1472, 1475-76 (9th Cir. 1997). Therefore, whether the appellant's prior conviction qualifies as a crime of violence depends upon application of the modified categorical approach described in Taylor v. United States, 495 U.S. 575, 602, 110 S.Ct. 2143, 109 L.Ed.2d 607 (1990). The district court's failure to conduct this analysis was plain error. Therefore, we reverse and remand for resentencing on an open record pursuant to United States v. Matthews, 278 F.3d 880, 889 (9th Cir. 2002)(en banc).

REVERSED AND REMANDED.