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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NOT FOR PUBLICATION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>LETICIA LLAGUNO RODRIGUEZ,</p> <p>Defendant - Appellant.</p>

No. 10-50300

D.C. No. 3:09-cr-00570-BTM

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Barry T. Moskowitz, District Judge, Presiding

Submitted May 24, 2011**

Before: PREGERSON, THOMAS, and PAEZ, Circuit Judges.

Leticia Llaguno Rodriguez appeals from the 42-month sentence imposed following her guilty-plea conviction for being a deported alien found in the United States, in violation of 8 U.S.C. § 1326. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

* 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).

Rodriguez contends that the district court erred when it applied a 16-level enhancement, under U.S.S.G. § 2L1.2, because her prior conviction for lewd or lascivious acts with a child under 14 years of age, in violation of Cal. Penal Code § 288(a), does not qualify as a crime of violence. She contends that *United States v. Medina-Villa*, 567 F.3d 507, 511-16 (9th Cir. 2009), holding that a violation of Cal. Penal Code § 288(a) is categorically a crime of violence, is inconsistent with *Estrada-Espinoza v. Mukasey*, 546 F.3d 1147 (9th Cir. 2008) (en banc). This contention lacks merit. See *United States v. Farmer*, 627 F.3d 416, 421-22 (9th Cir. 2010). Accordingly, we decline Rodriguez's invitation that we seek en banc review of this issue.

Rodriguez also contends that *Nijhawan v. Holder*, 129 S. Ct. 2294 (2009), effectively overruled *Medina-Villa*. This contention fails.

AFFIRMED.