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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NOT FOR PUBLICATION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>ANTHONY ARCURIA, III, a.k.a. Anthony Acuria,</p> <p>Defendant - Appellant.</p>

No. 10-50621

D.C. No. 2:09-cr-01320-SJO

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
S. James Otero, District Judge, Presiding

Submitted July 12, 2011**

Before: SCHROEDER, ALARCÓN, and LEAVY, Circuit Judges.

Anthony Arcuria, III, appeals from the 180-day sentence imposed following his guilty plea conviction for conspiracy to manufacture and to possess with intent to distribute marijuana, in violation of 21 U.S.C. § 846. We have jurisdiction

* 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).

under 28 U.S.C. § 1291, and we affirm.

Arcuria contends that the government breached the plea agreement by arguing for a role enhancement that persuaded the court to impose a higher sentence. This contention lacks merit. The record reflects that the government fulfilled its obligation under the plea agreement not to recommend a leadership role enhancement. *See United States v. Maldonado*, 215 F.3d 1046, 1052 (9th Cir. 2000).

AFFIRMED.