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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NOT FOR PUBLICATION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.

ADAN ROSALES GONZAGA,

Defendant - Appellant.

No. 10-50369

D.C. No. 5:08-cr-00199-RAP

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Richard A. Paez, Circuit Judge, Presiding

Submitted November 8, 2011**

Before: O'SCANNLAIN, TASHIMA, and GRABER, Circuit Judges.

Adan Rosales Gonzaga appeals from the 180-month 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, and for aiding and abetting possession of a firearm during and in relation to a drug trafficking

* 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).

offense, in violation of 18 U.S.C. § 924(c)(1)(A) and § (2)(A). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Gonzaga contends that the district court did not fully comply with Federal Rule of Criminal Procedure 11(b)(2) by failing to inquire whether his guilty plea was the result of force or threats. Although the district court erred in its plea colloquy, Gonzaga has failed to establish a reasonable probability that, but for the error, he would not have entered the plea. *See United States v. Dominguez Benitez*, 542 U.S. 74, 83 (2004).

AFFIRMED.