

DEC 31 2012

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NOT FOR PUBLICATION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.

BRYON WALTER PETZ,

Defendant - Appellant.

No. 12-30157

D.C. No. 9:11-cr-00048-DWM

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Donald W. Malloy, District Judge, Presiding

Submitted December 19, 2012**

Before: GOODWIN, WALLACE, and FISHER, Circuit Judges.

Bryon Walter Petz appeals from the district court's judgment and challenges the 24-month sentence imposed following his guilty-plea conviction for being a felon in possession of a firearm and ammunition, in violation of 18 U.S.C.

* 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).

§ 922(g)(1). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Petz contends that the district court erred by applying a six-level official victim enhancement under U.S.S.G. § 3A1.2(c)(1). The record supports the district court's finding that Petz's conduct in resisting arrest created a substantial risk of serious bodily injury to the arresting officer; thus, the district court did not abuse its discretion in imposing the enhancement. *See* U.S.S.G. § 3A1.2(c)(1); *United States v. Anchrum*, 590 F.3d 795, 805 (9th Cir. 2009) (district court's imposition of enhancement under U.S.S.G. § 3A1.2(c)(1) reviewed for abuse of discretion).

AFFIRMED.