

MAY 21 2013

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NOT FOR PUBLICATION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.

RHETT CHRISTOPHER TRUJILLO,

Defendant - Appellant.

No. 12-50429

D.C. No. 2:11-cr-01185-SVW-1

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Stephen V. Wilson, District Judge, Presiding

Argued and Submitted April 10, 2013
Pasadena, California

Before: FERNANDEZ, RAWLINSON, and BYBEE, Circuit Judges.

Appellant Rhett Christopher Trujillo (Trujillo) appeals the sentence imposed by the district court. We affirm.

1. The district court did not err in applying a 5-level enhancement under U.S.S.G. § 2B5.1(b)(2)(A) because there was sufficient evidence in the record to

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

support the court's finding that Trujillo used the materials in his possession to manufacture counterfeit currency. *See United States v. Allen*, 434 F.3d 1166, 1172 (9th Cir. 2006) (holding that the enhancement under § 2B5.1(b)(2)(A) applies where there is "some linkage" between the counterfeiting materials in the defendant's possession and "the actual production of counterfeit obligations").

2. Trujillo's sentence was both procedurally sound and substantively reasonable. The sentence was procedurally sound because the district court properly applied the enhancement under U.S.S.G. § 2B5.1(b)(2)(A), correctly calculated the Sentencing Guidelines range, and considered the 18 U.S.C. § 3553(a) factors. *See United States v. Carty*, 520 F.3d 984, 993 (9th Cir. 2008) (en banc) (discussing procedural error). The resulting within-Guidelines sentence was substantively reasonable. *See United States v. Blinkinsop*, 606 F.3d 1110, 1116 (9th Cir. 2010) (noting that a within-Guidelines sentence is generally reasonable in the "mine run of cases").

AFFIRMED.