

AUG 01 2013

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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NOT FOR PUBLICATION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.

DAVID JOSE CHAVARRIA FLORES,
a.k.a. David Jose Chavarria, a.k.a. Jose
Chavarria Flores, a.k.a. Jose Chavarria,
a.k.a. David Jose Flores, a.k.a. Jefe,

Defendant - Appellant.

No. 12-50139

D.C. No. 2:11-cr-01134-PA

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Percy Anderson, District Judge, Presiding

Submitted July 24, 2013**

Before: ALARCÓN, CLIFTON, and CALLAHAN, Circuit Judges.

David Jose Chavarria Flores appeals from the district court's judgment and challenges the 30-month sentence imposed following his guilty-plea conviction for

* 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).

being an illegal alien found in the United States following deportation, in violation of 8 U.S.C. § 1326. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Chavarria Flores contends that the district court erred in assigning two criminal history points under U.S.S.G. § 4A1.1(d) for committing the instant offense while under a criminal justice sentence. Chavarria Flores's contention is foreclosed by *United States v. Reyes-Ceja*, 712 F.3d 1284, 1287-90 (9th Cir. 2013).

AFFIRMED.