

AUG 16 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NOT FOR PUBLICATION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.

KELLY CECIL CAMPBELL,

Defendant - Appellant.

No. 12-30328

D.C. No. 9:12-cr-00018-DWM

MEMORANDUM*

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

Submitted August 14, 2013**

Before: SCHROEDER, GRABER, and PAEZ, Circuit Judges.

Kelly Cecil Campbell appeals from the district court's judgment and challenges the 70-month sentence imposed following his guilty-plea conviction for being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

* 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).

Campbell contends that the district court erred by applying a four-level enhancement under U.S.S.G. § 2K2.1(b)(6)(B) for possessing the firearms in connection with another felony offense. We review a district court's application of the Sentencing Guidelines to the facts for abuse of discretion and its factual findings for clear error. *See United States v. Gonzales*, 506 F.3d 940, 943 (9th Cir. 2007) (en banc). The district court did not abuse its discretion by applying the section 2K2.1(b)(6)(B) enhancement because the record reveals no clear error in the court's finding that Campbell's possession of the firearms potentially emboldened him to purchase illegal drugs. *See United States v. Polanco*, 93 F.3d 555, 567 (9th Cir. 1996). Campbell's assertion that he took no concrete steps in furtherance of his drug-purchasing scheme does not alter this conclusion. *See United States v. Noster*, 590 F.3d 624, 635 (9th Cir. 2009) (“[T]he plan to commit the felony need not be fully developed.” (citation omitted)).

AFFIRMED.