

SEP 02 2014

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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NOT FOR PUBLICATION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.

ERIC LOPEZ-SALAS,

Defendant - Appellant.

No. 13-50343

D.C. No. 2:12-cr-00961-GAF-1

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Gary A. Feess, District Judge, Presiding

Submitted August 25, 2014**
Pasadena, California

Before: O'SCANNLAIN and RAWLINSON, Circuit Judges, and RAKOFF,
Senior District Judge.***

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

*** The Honorable Jed S. Rakoff, Senior District Judge for the United States District Court for the Southern District of New York, sitting by designation.

Eric Lopez-Salas appeals the sentence imposed by the district court, following his guilty plea to making a false statement within the jurisdiction of the federal government, in violation of 18 U.S.C. § 1001. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

The district court did not clearly err in finding that the uncharged acts of fraud constituted relevant conduct for the purpose of calculating the offense level, because the charged conduct and uncharged acts of fraud were part of a common scheme connected by a common purpose and featuring the same actors. *See United States v. Tulaner*, 512 F.3d 576, 578-79 (9th Cir. 2008).

AFFIRMED.