

SEP 15 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p style="text-align: center;">Plaintiff - Appellee,</p> <p style="text-align: center;">v.</p> <p>JOSE LUGO, AKA Jose Ignacio-Zamaron Lugo,</p> <p style="text-align: center;">Defendant - Appellant.</p>
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No. 14-10008

D.C. No. 4:13-cr-01105-CKJ-
LAB-1

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Cindy K. Jorgenson, District Judge, Presiding

Submitted September 11, 2014**
San Francisco, California

Before: BEA, IKUTA, and HURWITZ, Circuit Judges.

Defendant Jose Lugo appeals the district court’s imposition of a 16-level sentencing enhancement. 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).

Lugo’s prior conviction for violating Cal. Penal Code § 261.5(d), which prohibits unlawful sexual intercourse with a minor under 16, is categorically a crime of violence within the meaning of U.S.S.G. § 2L1.2(b)(1)(A)(ii). *See United States v. Gomez-Mendez*, 486 F.3d 599, 603 (9th Cir. 2007) (concluding that the generic crime of statutory rape encompasses “the full range of conduct proscribed by Cal. Penal Code § 261.5(d)”). Our decisions defining the term “sexual abuse of a minor” do not alter the elements of generic statutory rape. *See United States v. Zamorano-Ponce*, 699 F.3d 1117, 1120 (9th Cir. 2012).

AFFIRMED.