

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

NOV 26 2014

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LORENA ORTEGA-MORA,

Defendant - Appellant.

No. 13-50373

D.C. No. 3:13-cr-1430-JLS

MEMORANDUM*

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

Appeal from the United States District Court
for the Southern District of California
Janis Sammartino, District Judge, Presiding

Submitted November 20, 2014**
Pasadena, California

Before: SCHROEDER and NGUYEN, Circuit Judges, and ZOUHARY,**
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 Jack Zouhary, United States District Judge, Northern District of Ohio, sitting by designation.

Defendant-Appellant Lorena Ortega-Mora appeals her 51-month sentence for illegal reentry in violation of 8 U.S.C. § 1326. We have jurisdiction under 28 U.S.C. § 1291 and 18 U.S.C. § 3742, and now affirm.

California Health & Safety Code § 11378 is divisible within the meaning of *Descamps v. United States*, 133 S. Ct. 2276 (2013), and therefore subject to the modified categorical approach. *See Padilla-Martinez v. Holder*, 770 F.3d 825, 831 n.3 (9th Cir. 2014) (concluding Cal. Health & Safety Code § 11378 is divisible); *see also Coronado v. Holder*, 759 F.3d 977 (9th Cir. 2014) (holding Cal. Health & Safety Code § 11377(a) is divisible). Accordingly, the district court did not err when it applied a 16-level enhancement under Guideline § 2L1.2(b) for Ortega-Mora's prior conviction for possession of methamphetamine for sale.

AFFIRMED.