

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JUL 3 2017

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

LORENZO GRANT,

Defendant-Appellant.

No. 16-10329

D.C. No. 4:09-cr-01035-PJH

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Phyllis J. Hamilton, Chief Judge, Presiding

Submitted June 26, 2017**

Before: PAEZ, BEA, and MURGUIA, Circuit Judges.

Lorenzo Grant appeals from the district court's judgment and challenges the 37-month sentence imposed upon revocation of supervised release. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Grant contends that the district court erred by concluding that his conviction

* 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).

for willful infliction of corporal injury on a spouse or cohabitant under California Penal Code § 273.5 was a “crime of violence” under U.S.S.G. § 4B1.2 (2015) and, therefore, constituted a Grade A violation of supervised release. *See* U.S.S.G. § 7B1.1(a)(1)(A)(i) & cmt. n.2. This claim is foreclosed by *United States v. Laurico-Yeno*, 590 F.3d 818, 821-23 (9th Cir. 2010), which held that a conviction under California Penal Code § 273.5 is a categorical crime of violence under the force clause of the definition of “crime of violence” in U.S.S.G. § 2L1.2, which is identical to the force clause in the definition of “crime of violence” in U.S.S.G. § 4B1.2. Contrary to Grant’s claim, *Johnson v. United States*, 135 S. Ct. 2551 (2015), does not undermine *Laurico-Yeno*. *See Johnson*, 135 S. Ct. at 2563 (striking down the residual clause in the definition of “violent felony” under the Armed Career Criminal Act, but declining to call into question the remainder of the definition, including the force clause).

AFFIRMED.