

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 17 2017

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 16-10295

Plaintiff-Appellee,

D.C. No. 4:15-cr-00587-HSG

v.

MEMORANDUM*

JACKAR LOVE,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of California
Haywood S. Gilliam, Jr., District Judge, Presiding

Submitted July 11, 2017**

Before: CANBY, KOZINSKI, and HAWKINS, Circuit Judges.

Jackar Love appeals from the district court's judgment and challenges the 42-month sentence imposed following his guilty-plea conviction for being a felon in possession of a firearm and ammunition, 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 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).

Love contends that the district court improperly determined that his prior robbery conviction under California Penal Code § 211 was a “crime of violence” under U.S.S.G. § 2K2.1(a)(4)(A) (2015) and, therefore, improperly determined his base offense level. This claim fails. Love necessarily committed either generic robbery or generic extortion, *see United States v. Becerril-Lopez*, 541 F.3d 881, 892 (9th Cir. 2008), both of which are enumerated crimes of violence. *See* U.S.S.G. § 4B1.2 cmt. n.1 (2015). Accordingly, his conviction is a categorical crime of violence. *See Becerril-Lopez*, 541 F.3d at 893 & n.10; *see also* U.S.S.G. § 2K2.1 cmt. n.1 (2015) (defining “crime of violence” as having the meaning given that term in section 4B1.2 and its Application Note 1). Contrary to Love’s contention, the Supreme Court’s holding in *Johnson v. United States*, 135 S. Ct. 2551 (2015), had no effect on the Guidelines. *See Beckles v. United States*, 137 S. Ct. 886, 895 (2017).

AFFIRMED.