NOT FOR PUBLICATION

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NOV 4 2026

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

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA, Plaintiff - Appellee, v. ANGELA ROBINSON LOME, Defendant - Appellant.	No. 25-2683 D.C. No. 3:24-CR-01645-JES-1 MEMORANDUM[*]

Appeal from the United States District Court
for the Southern District of California
James E. Simmons, Jr., District Judge, Presiding

Submitted October 30, 2026[**]
Pasadena, California

Before: R. NELSON and H.A. THOMAS, Circuit Judges, and PITTS, District Judge.[***]

Angela Robinson Lome appeals her conviction for knowingly and intentionally importing methamphetamine into the United States in violation of 21

[*] 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 P. Casey Pitts, United States District Judge for the Northern District of California, sitting by designation.

U.S.C. §§ 952, 960. She argues that (1) the district court erred by allowing testimony from the government's automobile expert that had not been properly disclosed under Federal Rule of Criminal Procedure 16, and that (2) the government improperly commented on her decision not to testify at trial in its closing argument, in violation of *Griffin v. California*, 380 U.S. 609 (1965). We have jurisdiction under 28 U.S.C. § 1291. We affirm.

1. We review for abuse of discretion the district court's admission of expert testimony following a Rule 16 challenge, while reviewing embedded legal claims de novo. *United States v. Alahmedalabdaloklah*, 94 F.4th 782, 837 (9th Cir. 2024). But a jury verdict will be set aside on the basis of a Rule 16 violation only if there is "a likelihood that the verdict would have been different had the government complied with the discovery rules." *United States v. Mendoza-Paz*, 286 F.3d 1104, 1111 (9th Cir. 2002).

Even assuming that the government failed to comply with Rule 16, Robinson Lome has not shown "a likelihood that the verdict would have been different" if she had received a complete and timely Rule 16 disclosure. *Id.* Robinson Lome has made no showing that the expert's testimony about the seat voids was erroneous or unreliable, *see id.*, nor explained what she would have done differently had the government made a complete Rule 16 disclosure. Further, the

jury could have reasonably inferred even without the challenged testimony that Robinson Lome would have felt the methamphetamine in the seat void.

2. Because Robinson Lome did not raise her *Griffin* argument below, we review it for plain error. *United States v. Sehnal*, 930 F.2d 1420, 1425–26 (9th Cir. 1991). Robinson Lome has not identified any error, let alone a plain one that affected her substantial rights. *See United States v. Parlor*, 2 F.4th 807, 816 (9th Cir. 2021). The government's statements about Robinson Lome's "story" in its closing argument, when read in context, were not "manifestly intended to call attention to [her] failure to testify," nor were they "of such a character that a jury would naturally and necessarily take [them] to be a comment on the failure to testify." *Hovey v. Ayers*, 458 F.3d 892, 912 (9th Cir. 2006) (quoting *Lincoln v. Sunn*, 807 F.2d 805, 809 (9th Cir. 1987)).

AFFIRMED.