

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

December 3, 2012

Lyle W. Cayce
Clerk

No. 11-40798

Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

EDWARD DAVID ROSA,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:09-CR-260-1

Before WIENER, ELROD, and GRAVES, Circuit Judges.

PER CURIAM:*

Defendant-Appellant Edward David Rosa appeals his sentence following his guilty plea conviction for being a felon in possession of a firearm. He argues that the district court erred in increasing his base offense level by two levels pursuant to U.S.S.G. § 2K2.1(b)(3)(B) and assigning a base offense level of 20 pursuant to § 2K1.1(a)(4)(B) because the pipe bomb found at his residence did not constitute a destructive device.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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We have determined that a pipe bomb is a destructive device under § 5845(f). *See United States v. Hunn*, 344 F. App'x 920, 921 (5th Cir. 2009) (finding that homemade pipe bomb was a destructive device under § 5845(f)); *United States v. Charles*, 883 F.2d 355, 357 (5th Cir. 1989) (concluding that three pipe bombs were destructive devices under § 5845(f)). Thus, the district court did not clearly err in enhancing Rosa's sentence pursuant to § 2K2.1(b)(3)(B) or in assigning a base offense level of 20 pursuant to § 2K2.1(a)(4)(B). *See United States v. Cisneros-Gutierrez*, 517 F.3d 751, 764 (5th Cir. 2008). Accordingly, the judgment of the district court is AFFIRMED.