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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ADOLFO SANDOVAL-GALVEZ,

Defendant - Appellant.

No. 09-10523

D.C. No. 2:09-cr-00584-SRB-1

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Susan R. Bolton, District Judge, Presiding

Argued and Submitted November 1, 2010
San Francisco, California

Before: NOONAN, PAEZ and BEA, Circuit Judges.

Adlofo Sandoval-Galvez (“Sandoval-Galvez”) appeals his conviction for a violation of 8 U.S.C. § 1326. He contends that the district court abused its discretion when it admitted into evidence certified copies of immigration records documenting his eight prior illegal entries and related removals. We affirm.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

The district court's evidentiary rulings are reviewed for abuse of discretion. *United States v. Lynch*, 367 F.3d 1148, 1159 (9th Cir. 2004). If evidence is improperly admitted, reversal is appropriate only if the error was not harmless. *United States v. Derington*, 229 F.3d 1243, 1247 (9th Cir. 2000). "If, on the record as a whole, consideration by the jury of the evidence for that purpose would not have likely changed its decision, then the error was harmless." *Id.*

Sandoval-Galvez contends that the district court abused its discretion under Federal Rules of Evidence 404(b) and 403 when it allowed the government to introduce evidence of eight prior illegal entries and related removals to prove that Sandoval-Galvez knowingly and voluntarily entered the United States on the date in question.

We need not resolve this question, because even assuming that the district court abused its discretion, the admission of evidence documenting his eight prior entries and removals was harmless error. *United States v. Romero*, 282 F.3d 683, 688 (9th Cir. 2002). The government provided a significant amount of other evidence to show that Sandoval-Galvez knowingly and voluntarily crossed into the United States. Sandoval-Galvez admitted to Border Patrol agents that he was headed to Los Angeles and he knew that it was unlawful to cross into the United States. Border Patrol agents tracked a single set of footprints from the Colorado

River to Sandoval-Galvez's location and confirmed that his shoes matched the tracks. Given this additional evidence, any error in admitting Sandoval-Galvez's eight prior entries and removals was harmless.

AFFIRMED.