

OCT 28 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOSE ANTONIO NAVARRO,

Defendant - Appellant.

No. 09-50621

D.C. No. 2:09-cr-00622-R

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
Manuel L. Real, District Judge, Presiding

Submitted October 19, 2010\*\*

Before: O'SCANNLAIN, TALLMAN, and BEA, Circuit Judges.

Jose Antonio Navarro appeals from the 70-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.

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

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Navarro contends that the district court violated Federal Rule of Criminal Procedure 32(i)(3)(B) when it failed to resolve a dispute regarding the facts underlying a sentencing enhancement for reckless endangerment during flight. But Navarro never argued that there were specific factual errors in the presentence report. Accordingly, the district court did not violate Rule 32(i)(3)(B). *See United States v. Stoterau*, 524 F.3d 988, 1011 (9th Cir. 2008) (“Only specific factual objections trigger Rule 32(i)(3)(B).”). To the extent Navarro now challenges the factual basis for the enhancement, the district court did not plainly err. *See United States v. Waknine*, 543 F.3d 546, 553 n.3 (9th Cir. 2008).

**AFFIRMED.**