

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

SEP 25 2017

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

ALEXANDER KOSTYUKOV, AKA Klbs,
AKA Temp,

Defendant-Appellant.

No. 15-10597

D.C. No.

2:12-cr-00004-APG-GWF-3

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Andrew P. Gordon, District Judge, Presiding

Argued and Submitted September 15, 2017
San Francisco, California

Before: SCHROEDER and FRIEDLAND, Circuit Judges, and WHALEY,**
District Judge.

Kostyukov challenges four enhancements applied at his sentencing hearing for the first time on appeal. When a party fails to raise an objection at trial “yet asserts error on appeal,” we review for plain error. *United States v. Santiago*, 466

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The Honorable Robert H. Whaley, United States District Judge for the Eastern District of Washington, sitting by designation.

F.3d 801, 803 (9th Cir. 2006). Plain error is “(1) error, (2) that is plain, and (3) that affects substantial rights.” *United States v. Cotton*, 535 U.S. 625, 631 (2002) (quoting *Johnson v. United States*, 520 U.S. 461, 466–67 (1997)). That standard is not met here.

AFFIRMED.