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U.S. COURT OF APPEALS

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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA, Plaintiff-Appellee, v. ALVIN FLORIDA, JR., Defendant-Appellant.	No. 17-10330 D.C. No. 4:14-cr-00582-JD-1 MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
James Donato, District Judge, Presiding

Argued and Submitted July 11, 2018
San Francisco, California

Before: TASHIMA, GRABER, and HURWITZ, Circuit Judges.

A jury convicted Defendant Alvin Florida, Jr., of agreeing to rig bids at home foreclosure auctions, in violation of the Sherman Act, 15 U.S.C. § 1. The district court sentenced Defendant to 21 months' imprisonment followed by a period of supervised release. We affirm.

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

1. The district court did not err in refusing to instruct the jury on multiple conspiracies. The indictment charged a single overarching agreement, and the government's evidence at trial proved the existence of that agreement. No evidence suggests that Defendant was involved only in other conspiracies and not in the single overarching conspiracy—as is required to necessitate an instruction on multiple conspiracies. United States v. Job, 871 F.3d 852, 867 (9th Cir. 2017). Further, the existence of several manifestations of the conspiracy—i.e., that the conspiracy involved several auctions for different properties—and of sub-groups participating in different sales does not mean that there were multiple conspiracies. United States v. Mincoff, 574 F.3d 1186, 1196 (9th Cir. 2009).

2. The district court did not commit plain error, United States v. Alcantara-Castillo, 788 F.3d 1186, 1190–91 (9th Cir. 2015), with respect to the government's closing arguments. The evidence supports the government's statements concerning homeowners and the nature of foreclosure auctions. United States v. Tucker, 641 F.3d 1110, 1120–21 (9th Cir. 2011). Further, the statements, taken in context, were permissible and not inflammatory. United States v. Polizzi, 801 F.2d 1543, 1558 (9th Cir. 1986).

AFFIRMED.