

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 06-12037
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT APR 16, 2007 THOMAS K. KAHN CLERK

D. C. Docket No. 03-20802-CR-JAL

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RUPERTO ARTURO ROLDAN TORRES,
a.k.a. El Loco,
a.k.a. Beto,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Florida

(April 16, 2007)

Before BLACK, MARCUS and PRYOR, Circuit Judges.

PER CURIAM:

Ruperto Arturo Roldan Torres appeals his sentence following his plea of guilty to conspiracy to import and attempt to import cocaine, 21 U.S.C. §§ 952(a), 960(b)(1)(B), 963, and conspiracy to possess with intent to distribute cocaine, id. §§ 841(b)(1)(A)(ii), 846. Torres argues for the first time on appeal that the government breached the plea agreement by recommending an enhancement based on Torres's role as captain of a go-fast boat. We disagree. The plea agreement states that the government would recommend that "the defendant should not receive an adjustment for role in the offense pursuant to Section 3B1.1 or 3B1.2" of the Guidelines, but the government never recommended an enhancement under either sections 3B1.1 or 3B1.2, and Torres's sentence was not enhanced under either of these sections. The district court increased Torres's base offense level under section 2D1.1(b)(2)(B), which requires a 2-level increase for one who "acted as a pilot, copilot, captain, navigator, flight officer, or any other operation officer aboard any craft or vessel carrying a controlled substance." Torres admitted that he was captain of the go-fast boat. Torres's sentence is

AFFIRMED.