

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 07-4377**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

PEDRO B. MEDINA,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. James C. Dever III, District Judge. (5:06-cr-00241-D)

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Submitted: December 17, 2007

Decided: January 30, 2008

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Before MICHAEL, TRAXLER, and KING, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Thomas P. McNamara, Federal Public Defender, Stephen C. Gordon, Assistant Federal Public Defender, Raleigh, North Carolina, for Appellant. George E. B. Holding, United States Attorney, Anne M. Hayes, Jennifer P. May-Parker, Assistant United States Attorneys, Raleigh, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Pedro Banegas Medina pled guilty to one count of illegal reentry of an alien, in violation of 8 U.S.C. § 1326 (2000). At sentencing, the district court increased Medina's offense level under U.S. Sentencing Guidelines Manual § 3A1.2(c)(1) (2006) and under § 3C1.2. Medina challenges both enhancements. Finding no error, we affirm.

When reviewing the district court's application of the Sentencing Guidelines, we review findings of fact for clear error and questions of law de novo. United States v. Green, 436 F.3d 449, 456 (4th Cir.), cert. denied, 126 S. Ct. 2309 (2006). Because Medina withdrew his objection to the enhancement under USSG § 3C1.2, we review that claim for plain error. United States v. Olano, 507 U.S. 725, 732-37 (1993).

We find no error with the application of either enhancement. Clearly, the six-level increase under USSG § 3A1.2(c)(1) was proper as Medina attempted to run the police officer over with his car. The two-level increase under USSG § 3C1.2 was proper because Medina drove his car 640 feet after being told to turn it off, jumped over a curb and into a public parking lot.

Accordingly, we affirm the conviction and sentence. We dispense with oral argument because the facts and legal contentions

are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED