

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

May 16, 2011

Lyle W. Cayce
Clerk

No. 10-20435
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

KENDRICK ANDREW GREEN,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:10-CR-50-4

Before JOLLY, GARZA, and STEWART, Circuit Judges.

PER CURIAM:*

Kendrick Andrew Green appeals the 165-month sentence imposed following his guilty plea conviction for aggravated bank robbery, bank robbery, and brandishment of a firearm during a crime of violence.

Green argues that the district court erred by applying a four-level enhancement pursuant to U.S.S.G. § 2B3.1(b)(4)(A) based on a conspirator's abduction of a bank teller during the bank robbery committed by Green, the conspirator, and others. Where, as here, the defendant objects to a sentencing

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

No. 10-20435

enhancement in the district court, this court reviews the district court's interpretation and application of the Guidelines de novo and its factual findings for clear error. *United States v. Gonzalez*, 445 F.3d 815, 817 (5th Cir. 2006).

Green's contention that the teller was not abducted because she was not isolated and because she was moved within the same room is without merit. The facts in the presentence report and the exhibits introduced at sentencing provide evidence that the teller was moved from her teller station to the bank's vault, so that the conspirator could rob the vault, which was located in a separate area, down a hallway, and around the corner from the teller area. Additionally, the vault was located behind the teller area and out of public view. Thereafter, the teller was moved from the vault area to the back door of the bank so that Green and the conspirator could escape. There was therefore no error in the district court's conclusion that Green's conspirator abducted the bank teller. *See United States v. Johnson*, 619 F.3d 469, 474 (5th Cir. 2010).

For the foregoing reasons, the judgment of the district court is AFFIRMED.