

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

\_\_\_\_\_  
No. 17-30780  
Summary Calendar  
\_\_\_\_\_

United States Court of Appeals  
Fifth Circuit

**FILED**

July 23, 2018

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

EARL MITCHELL,

Defendant-Appellant

\_\_\_\_\_  
Appeal from the United States District Court  
for the Middle District of Louisiana  
USDC No. 3:16-CR-99-1  
\_\_\_\_\_

Before KING, ELROD, and HIGGINSON, Circuit Judges.

PER CURIAM:\*

Earl Mitchell pleaded guilty to being a felon in possession of a firearm and now appeals his 30-month sentence. He faults the district court for applying U.S.S.G. § 2K2.1(b)(4)(A), which increases an offense level if the possessed firearm “was stolen.” Any error, however, would have been harmless. The district court “explained that it would give the same sentence” regardless of the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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enhancement. *United States v. Guzman-Rendon*, 864 F.3d 409, 411 (5th Cir.),  
*cert. denied*, 138 S. Ct. 524 (2017).

AFFIRMED.