

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 07-3112

United States of America,

Appellee,

v.

Kevin Lanagan,

Appellant.

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Appeal from the United States
District Court for the Northern
District of Iowa.

[UNPUBLISHED]

Submitted: May 7, 2008
Filed: May 15, 2008

Before MURPHY, COLLOTON, and SHEPHERD, Circuit Judges.

PER CURIAM.

Kevin Lanagan challenges the 151-month prison sentence the district court¹ imposed following his guilty plea to maintaining a building for storing and distributing cocaine base, in violation of 21 U.S.C. § 856; three counts of distributing cocaine base, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(C); and being a cocaine-base user in possession of firearms and ammunition, in violation of 18 U.S.C. §§ 922(g)(3) and 924(a)(2). For reversal, Lanagan argues that the district court erred in applying a dangerous-weapon enhancement under U.S.S.G. § 2D1.1(b)(1).

¹The Honorable Linda R. Reade, Chief Judge, United States District Court for the Northern District of Iowa.

After careful review, we find that the district court's application of the section 2D1.1(b)(1) enhancement is not clearly erroneous, because a shotgun and ammunition were found in the house from which Lanagan had sold cocaine and kept drug paraphernalia. See United States v. Harris, 493 F.3d 928, 931-32 (8th Cir. 2007) (standard of review), cert. denied, 128 S. Ct. 1263 (2008); U.S.S.G. § 2D1.1(b)(1), comment. (n.3) (enhancement should be applied if weapon was present unless it is clearly improbable that weapon was connected with offense); United States v. Annis, 446 F.3d 852, 856 (8th Cir. 2006) (generally enhancement applies if gun is found in same location where drugs or drug paraphernalia were stored, or where part of conspiracy took place), cert. denied, 127 S. Ct. 3044 (2007).

Accordingly, the judgment is affirmed.
