

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 07-2997

United States of America,

Appellee,

v.

Arketa Willis,

Appellant.

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* Appeal from the United States
* District Court for the
* District of Nebraska.
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* [UNPUBLISHED]
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Submitted: September 4, 2008
Filed: September 19, 2008

Before MELLOY, COLLOTON, and SHEPHERD, Circuit Judges.

PER CURIAM.

Arketa Willis pleaded guilty to traveling in interstate commerce with intent to distribute the proceeds of an unlawful activity (namely, possession with intent to distribute and distribution of controlled substances) in violation of 18 U.S.C. § 1952(a)(1). At sentencing, the district court¹ rejected Willis's position that her base offense level should be 6 under U.S.S.G. § 2E1.2(a)(1). Rather, finding that the seized currency (\$100,950) was the proceeds of marijuana sales, the court converted the currency into 36.6 kilograms of marijuana to arrive at a base offense level of 18. See

¹The Honorable Laurie Smith Camp, United States District Judge for the District of Nebraska.

U.S.S.G. § 2E1.2(a)(2) (use offense level applicable to underlying unlawful activity in respect to which travel was undertaken), § 2D1.1(a)(3), (c)(11). The court then sentenced Willis to 41 months in prison. She appeals, arguing that the district court's findings of fact for an upward adjustment under section 2E1.2(a)(2) were clearly erroneous because insufficient evidence existed of any underlying offense.

We conclude that the district court did not clearly err in finding that the seized currency represented the proceeds of marijuana distribution for purposes of applying section 2E1.2(a)(2). Likewise, we see no clear error in the court's conversion of the currency into a drug quantity. See United States v. King, 518 F.3d 571, 575 (8th Cir. 2008).

Accordingly, we affirm.
