

# United States Court of Appeals For the First Circuit

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No. 17-1068

UNITED STATES,

Appellee,

v.

BERNABE LUGO-SANTIAGO,

Defendant, Appellant.

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Before

Lynch, Kayatta and Barron,  
Circuit Judges.

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## JUDGMENT

Entered: January 22, 2018

Appellant Bernabe Lugo-Santiago challenges his conviction and sentence for possession of a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c)(1). The government moves for summary disposition.

Having carefully reviewed the parties' submissions and relevant portions of the record, we conclude that the appeal does not present a "substantial question" and that the government's motion for summary disposition should be granted. See 1st Cir. R. 27.0(c); United States v. Rodriguez-Lozada, 558 F.3d 29, 40 (1st Cir. 2009) ("To convict under § 924(c)(1), the government must prove possession of the gun[] and a significant nexus between the gun[] and the drug crime, meaning that the firearm facilitates or has the potential to facilitate the drug trafficking offense." (internal quotations omitted)); United States v. Ricketts, 317 F.3d 540, 543 (6th Cir. 2003) (noting section 924(c) is not a "free-standing statute[]" but instead is "tied to the underlying drug conspiracy offense which unquestioningly substantially affects interstate commerce"); see also United States v. Henry, 848 F.3d 1, 7 (1st Cir.), cert. denied, 137 S. Ct. 2223 (2017) (arguments omitted from opening brief are ordinarily deemed waived).

The judgment of the district court is affirmed.

By the Court:

/s/ Margaret Carter, Clerk

cc:

Joseph A. DiRuzzo III  
Bernabe Lugo-Santiago  
Maritza Gonzalez-Rivera  
Mariana E. Bauza Almonte  
Francisco A. Besosa-Martinez  
Kelly Zenon-Matos