

NOT RECOMMENDED FOR FULL-TEXT PUBLICATION

File Name: 04a0166n.06

Filed: December 16, 2004

04-1176

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

UNITED STATES OF AMERICA,)	
)	
Plaintiff-Appellee,)	
)	
v.)	
)	ON APPEAL FROM THE UNITED
CHAD M. ELVE,)	STATES DISTRICT COURT FOR
)	THE WESTERN DISTRICT OF
Defendant-Appellant.)	MICHIGAN
)	
)	
)	
)	

Before: SILER, SUTTON, and FARRIS,* Circuit Judges.

FARRIS, Circuit Judge. We understand but reject Elve’s argument that the district court erred in enhancing his sentence by two levels for more than minimal planning. An enhancement for more than minimal planning is warranted if a defendant takes significant affirmative steps to conceal his offense. Here, Elve

*The Hon. Jerome Farris, United States Circuit Judge for the Ninth Circuit, sitting by designation.

provided false information on his loan application and thereby concealed that he had illegally obtained the HUD-owned property. He also provided his bank with a false warranty deed, which incorrectly showed that he had purchased the property for \$70,000. The district court did not commit clear error in concluding that Elve took significant steps to avoid detection of his crime.

AFFIRMED.