United States Court of Appeals
For the Eighth Circuit

No. 25-2530

United States of America

Plaintiff - Appellee

v.

Isidro Barajas, Jr.

Defendant - Appellant

Appeal from the United States District Court
for the Southern District of Iowa - Eastern

Submitted: September 24, 2026
Filed: November 10, 2026

Before COLLOTON, Chief Judge, L.R. SMITH, and TRAYNOR, Circuit Judges.

TRAYNOR, Circuit Judge.

Isidro Barajas, Jr. pled guilty to four drug- and firearm-related charges. He argues two enhancements were applied by the district court[1] in error: a six-level official victim enhancement under USSG § 3A1.2(c) and a two-level obstruction of justice enhancement under USSG § 3C1.1. We affirm.

[1]The Honorable Rebecca Goodgame Ebinger, United States District Judge for the Southern District of Iowa.

I

Investigation into the delivery of a suspicious package culminated in a highspeed vehicle chase involving Barajas. He threw the package — later found to contain methamphetamine — out the window as his codefendant drove over 100 miles per hour. After crashing the vehicle, Barajas and his codefendant attempted to flee on foot while carrying firearms. An officer drove into Barajas, causing him to fall and drop the AK-47-style weapon he was holding. Barajas's codefendant then shot at police, who returned fire, before both men surrendered and were arrested. While in custody, Barajas made several phone calls instructing an acquaintance to reset his phone, remove its sim card, and delete his Facebook account.

Barajas pled guilty to four federal drug- and firearm-related charges, including possession of a firearm during or in relation to a drug trafficking crime in violation of 18 U.S.C. § 924(c). At sentencing, Barajas made two objections to the PSR's sentencing enhancements. First, Barajas objected to a six-level enhancement under USSG § 3A1.2(c) for assaulting a law enforcement officer. Referencing "the Iowa generic definition" of assault, the district court overruled the objection, concluding the enhancement was justified by the assaultive conduct of Barajas and his codefendant. Second, Barajas objected to a two-level enhancement under USSG § 3C1.1 for obstruction of justice. The district court overruled the objection, "infer[ring] from the unobjected-to facts . . . that Mr. Barajas believed that material would be detrimental to him because he wanted to destroy it" in addition to the "myriad of cases that talk about the significance of social media information in drug trafficking cases."

Barajas faced a total offense level of 42 and criminal history category III, resulting in an advisory guideline range of 360 months to life, plus a mandatory minimum of 84 months to be served consecutively for the § 924(c) conviction. Ultimately, the court imposed a below-guidelines sentence of 384 months.

II

We review "the district court's construction and application of the sentencing guidelines de novo, and we review its factual findings regarding enhancements for clear error." *United States v. Bastian*, 603 F.3d 460, 465 (8th Cir. 2010) (citation modified).

A six-level enhancement applies when, during the course of the offense, "the defendant or a person for whose conduct the defendant is otherwise accountable" knowingly assaulted a law enforcement officer. USSG § 3A1.2(c). This enhancement "applies in circumstances tantamount to aggravated assault" involving conduct "sufficiently serious to create at least a substantial risk of serious bodily injury." *Id.* at cmt. n. 4(A) (citation modified).

A

"Assault" is not defined in § 3A1.2(c), and the common law meaning applies. *United States v. Olson*, 646 F.3d 569, 572 (8th Cir. 2011). Common law assault embraces attempted battery and "an act which is intended to, and reasonably does, cause the victim to *fear* immediate bodily harm." *Id.* at 573 (citation modified).

In justifying the application of the enhancement, the district court considered "the Iowa generic definition" of assault. To the extent the district court applied the definition of assault from the Iowa Code, it erred. *See Olson*, 646 F.3d at 572. Barajas contends this error requires reversal. However, even under our *de novo* review, the district court's factual findings support imposing the enhancement. *See, e.g., United States v. Fuentes Torres*, 529 F.3d 825, 828 (8th Cir. 2008) (finding harmless error in the district court's misarticulation of the relevant sentencing guideline standard). Barajas's codefendant, acting in concert with Barajas, shot at police.

B

The district court justified the enhancement based on the conduct of Barajas's codefendant, who drove the vehicle involved in the high-speed chase, fled on foot and shot at law enforcement.[2] Barajas argues he should not be held accountable for his codefendant's conduct under § 3A1.2(c), which is triggered by conduct of "the defendant or a person for whose conduct the defendant is otherwise accountable."

Barajas relies on *United States v. Iron Cloud*, where we held "in order for conduct of others to be attributable to a defendant" under § 3A1.2 "there must be some evidence of causation on the part of the defendant: that is, that the defendant expressly or impliedly ordered, encouraged, or in some way assisted in the assailant's conduct." 75 F.3d 386, 390 (8th Cir. 1996). Barajas contends he did not encourage or assist his codefendant's choice to fire at police because they "took different approaches to their flight" and "there is no evidence they communicated while fleeing," and he therefore cannot be held accountable for his codefendant's actions.

The district court distinguished *Iron Cloud* because the defendant in that case submitted to the authority of law enforcement by exiting the car with his hands up before the driver of the vehicle, apparently unprompted by Iron Cloud, drove the vehicle in reverse. *Id.* By contrast, Barajas acted in concert with his codefendant by throwing contraband out the window as his codefendant attempted to evade police at over 100 miles per hour. Then, both fled law enforcement on foot while armed. This reasonably "suggest[ed] to the Court that the defendant was encouraging or in some way assisting the flight and the assaultive conduct by the codefendant in this case," and the district court found, "by a preponderance of the evidence . . . that the

[2] The district court also applied the enhancement based on Barajas's own conduct in brandishing a loaded AK-47-style gun while fleeing from police. Because the enhancement is otherwise justified by the two acting in concert, we need not review the district court's alternate analysis.

defendant impliedly encouraged and assisted" his codefendant, justifying application of the enhancement.

Given the district court's finding of implied encouragement and assistance, we need not address whether Barajas was also accountable for his codefendant's assaultive conduct as a reasonably foreseeable act under USSG § 1B1.2(a)(1)(B). We find no error in the district court's application of the six-level official victim enhancement on account of the conduct of Barajas's codefendant, with whom he was acting in concert.

III

Barajas also argues the district court committed reversible error in applying a two-level obstruction of justice enhancement due to his jail phone calls asking an acquaintance to reset his phone and delete his social media account. Because we uphold application of the six-level official victim enhancement, the guideline range with or without the two-point obstruction enhancement is 360 months to life, plus a consecutive 84-month term. As such, any error in applying the enhancement would be harmless. *United States v. Omar*, 567 F.3d 362, 366 (8th Cir. 2009). Even so, the record amply supports the sentencing court's conclusion that Barajas's requests amounted to "procuring another person to destroy or conceal evidence that is material to an official investigation or judicial proceeding" within the meaning of USSG § 3C1.1. USSG § 3C1.1 cmt. n. 4(D); *see United States v. Tyus*, 167 F.4th 1008, 1014–15 (8th Cir. 2026). We find no clear error in the district court's application of the two-point enhancement.

IV

We affirm the judgment of the district court.
