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MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JAMES LEROY CARTER,

Defendant - Appellant.

No. 12-30105

D.C. No. 3:11-cr-05428-BHS

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Benjamin H. Settle, District Judge, Presiding

Submitted November 18, 2014**

Before: LEAVY, FISHER, and N.R. SMITH, Circuit Judges.

James Leroy Carter appeals from the district court’s judgment and challenges his guilty-plea conviction for failure to register and update his sex offender registration under the Sex Offender Registration and Notification Act (“SORNA”), in violation of 18 U.S.C. § 2250(a). We have jurisdiction under 28

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

U.S.C. § 1291. We review Carter’s challenge to the district court’s denial of his motion to dismiss the indictment de novo, *see United States v. Cabrera-Gutierrez*, 756 F.3d 1125, 1129 (9th Cir. 2014), *cert. denied*, 135 S. Ct. 124 (2014), and we affirm.

Carter contends that Congress violated the non-delegation doctrine because it allows the Attorney General authority to legislate SORNA’s retroactive application. This contention is foreclosed. *See United States v. Richardson*, 754 F.3d 1143, 1146 (9th Cir. 2014) (per curiam) (“SORNA’s delegation of authority to the Attorney General to determine the applicability of SORNA’s registration requirements to pre-SORNA sex offenders is consistent with the requirements of the non-delegation doctrine.”).

AFFIRMED.