

JUN 21 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p style="text-align: center;">Plaintiff - Appellee,</p> <p style="text-align: center;">v.</p> <p>JULIAN GRAVES,</p> <p style="text-align: center;">Defendant - Appellant.</p>

No. 12-30268

D.C. No. 3:11-cr-05120-BHS

MEMORANDUM*

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

Submitted June 18, 2013**

Before: TALLMAN, M. SMITH, and HURWITZ, Circuit Judges.

Julian Graves appeals from the district court’s judgment and challenges a supervised release condition imposed following his plea of nolo contendere for receipt of visual depictions of minors engaged in sexually explicit conduct, in violation of 18 U.S.C. § 2252(a)(2) and (b)(1); and possession of visual depictions

* 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).

of minors engaged in sexually explicit conduct, in violation of 18 U.S.C.

§ 2252A(a)(5)(B) and (b)(2). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Graves contends that the district court erred by imposing a standard condition of supervised release, which mandates that he “shall not frequent places where controlled substances are illegally sold, used, distributed, or administered,” because the condition is impermissibly vague and overbroad. Graves’s contention is foreclosed. *See United States v. Phillips*, 704 F.3d 754, 768 (9th Cir. 2012), *cert. denied*, ___ S. Ct. ___, 2013 WL 497631 (June 10, 2013).

AFFIRMED.