

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 20 2019

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 19-50063

Plaintiff-Appellee,

D.C. No. 8:09-cr-00243-CJC-1

v.

MEMORANDUM*

MIGUEL RAMON ANDRADE,

Defendant-Appellant.

Appeal from the United States District Court
for the Central District of California
Cormac J. Carney, District Judge, Presiding

Submitted December 11, 2019**

Before: WALLACE, CANBY, and TASHIMA, Circuit Judges.

Miguel Ramon Andrade appeals from the district court's judgment and challenges one condition of supervised release imposed upon revocation of supervised release. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Andrade challenges the special condition of supervised release that prohibits

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

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

him from “possess[ing] or view[ing] any materials such as videos, magazines, photographs, computer images or that matter that depicts ‘actually sexually explicit conduct’ involving adults as defined by 18 U.S.C. § 2257(h)(1).” Contrary to Andrade’s assertion, this condition does not prohibit him from engaging in all sexual conduct, but rather, appropriately restricts his access to materials depicting sexually explicit conduct involving adults. *See United States v. Ochoa*, 932 F.3d 866, 870-71 (9th Cir. 2019). Moreover, in light of the circumstances of this case, the condition is reasonably related to the protection of the public and Andrade’s rehabilitation, and the condition involves no greater deprivation of liberty than is reasonably necessary to achieve the purposes of supervised release. *See* 18 U.S.C. § 3583(d); *United States v. Daniels*, 541 F.3d 915, 927-28 (9th Cir. 2008).

AFFIRMED.