

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JUN 27 2014

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ROBERT F. JERNBERG,

Defendant - Appellant.

No. 08-30461

D.C. No. 1:05-cr-00007-RFC

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Richard F. Cebull, District Judge, Presiding

Submitted June 25, 2014**

Before: HAWKINS, TALLMAN, and NGUYEN, Circuit Judges.

Robert F. Jernberg appeals from the district court's imposition of a special condition of supervised release requiring him to comply with the sex offender registration requirements of the Sex Offender Registration and Notification Act ("SORNA"), 42 U.S.C. § 16913. We have jurisdiction under 28 U.S.C. § 1291,

* 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).

and we affirm.

Jernberg contends that the district court abused its discretion by imposing the registration condition because Congress did not have the power to enact SORNA's registration requirements. This argument is foreclosed by recent decisions of the Supreme Court and our court. *See United States v. Kebodeaux*, 133 S. Ct. 2496, 2500 (2013) (concluding that "the Necessary and Proper Clause grants Congress adequate power to enact SORNA and to apply it" to a defendant convicted of a federal sex crime who was subject to federal sex offender registration requirements at the time of SORNA's enactment in 2006); *United States v. Elk Shoulder*, 738 F.3d 948, 959 (9th Cir. 2013), *cert. denied*, 134 S. Ct. 1920 (2014) (same). Accordingly, we reject Jernberg's challenge to the mandatory registration condition. *See* 18 U.S.C. § 3583(d); *United States v. Becker*, 682 F.3d 1210, 1212-13 (9th Cir. 2012).

AFFIRMED.