

DEC 19 2016

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NOT FOR PUBLICATION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.

WALTER MITCHELL STEWART, Jr.,

Defendant-Appellant.

No. 15-30086

D.C. No. 1:12-cr-00086-DWM

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Donald W. Molloy, District Judge, Presiding

Submitted December 14, 2016**

Before: WALLACE, LEAVY, and FISHER, Circuit Judges.

Walter Mitchell Stewart, Jr., appeals from the district court's amended judgment reimposing on remand a special condition of supervised release that prohibits him from residing in the home or being in the company of any child under the age of 18, with the exception of his own children, without the prior

* 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).

written approval of the United States Probation Office. Stewart contends that the condition is unreasonable because it unnecessarily interferes with his right to associate with his children and grandchildren and delegates too much authority to the probation officer.

We review the district court's imposition of a condition of supervised release for abuse of discretion. *See United States v. Wolf Child*, 699 F.3d 1082, 1089 (9th Cir. 2012). In light of Stewart's history of sexual misconduct with underage family members, the district court did not abuse its discretion by imposing the condition to deter future misconduct and to protect the community, including Stewart's grandchildren. *See id.* at 1090. Further, under the circumstances of this case, the district court did not abuse its discretion by delegating to the probation office the implementation of this condition. *See United States v. Blinkinsop*, 606 F.3d 1110, 1121-22 (9th Cir. 2010).

AFFIRMED.