

SEP 30 2009

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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NOT FOR PUBLICATION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>JORGE ARMANDO LEDEZMA,</p> <p style="text-align: center;">Defendant - Appellant.</p>

No. 08-50377

D.C. No. 8:06-cr-00262-DOC

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
David O. Carter, District Judge, Presiding

Submitted September 14, 2009**

Before: SILVERMAN, RAWLINSON, and CLIFTON, Circuit Judges.

Jorge Armando Ledezma appeals from a special condition of supervised release imposed following his guilty-plea conviction for being a felon in

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

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

possession of a firearm, in violation of 18 U.S.C. § 922(g)(1). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Ledezma contends that Special Condition 4, which authorizes the probation officer to determine whether he must participate in a residential drug treatment program, involves an impermissible delegation of judicial authority. The district court did not plainly err because Special Condition 4 permits the probation officer to place Ledezma in an inpatient program only if he and his counsel consent. *See United States v. Olano*, 507 U.S. 725, 732 (9th Cir. 1993); *cf. United States v. Esparza*, 552 F.3d 1088, 1091 (9th Cir. 2009) (per curiam).

AFFIRMED.