

JAN 11 2010

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NOT FOR PUBLICATION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.

JESUS ANDRADE, AKA Shorty,

Defendant - Appellant.

No. 08-50373

D.C. No. 8:07-cr-00202-DOC

MEMORANDUM\*

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

Submitted December 15, 2009\*\*

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

Jesus Andrade appeals from the 151-month sentence imposed following his guilty-plea conviction for being a member of a Racketeer Influenced and Corrupt

---

\* 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).

Organizations enterprise, in violation of 18 U.S.C. § 1962(d), and conspiracy to possess with intent to distribute a controlled substance, in violation of 21 U.S.C. §§ 841(a), (b)(1)(A), and 846. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Andrade contends that the district court committed plain error by imposing an impermissibly vague and overbroad supervised release condition, which, among other things, prohibits him from associating with persons known to him to be associated with Florencia 13 gang members. Because the condition is neither impermissibly vague nor overbroad, the district court did not plainly err. *See United States v. Soltero*, 510 F.3d 858, 866 (9th Cir. 2007) (per curiam); *United States v. Ross*, 476 F.3d 719, 721-23 (9th Cir. 2007).

**AFFIRMED.**