

MAY 12 2011

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NOT FOR PUBLICATION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.

OSCAR FRANCISCO MACIAS-
OVALLE,

Defendant - Appellant.

No. 10-30228

D.C. No. 3:08-cr-00228-MO-1

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Michael W. Mosman, District Judge, Presiding

Argued and Submitted May 4, 2011
Portland, Oregon

Before: **KOZINSKI**, Chief Judge, **BEA** and **IKUTA**, Circuit Judges.

Each of the government’s affidavits contained the full and complete statement required by 18 U.S.C. § 2518(1)(c). Each affidavit properly incorporated previous affidavits, see United States v. Garcia-Villalba, 585 F.3d 1223, 1232 (9th Cir. 2009), and provided case-specific explanations for the use,

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

limitations and rejection of various traditional surveillance tactics in the investigation of specific individuals, see id. at 1229–30. The district court didn’t abuse its discretion in finding that the wiretaps were necessary. See United States v. Rivera, 527 F.3d 891, 898 (9th Cir. 2008). Nor has Macias-Ovalle made the substantial showing necessary to justify an evidentiary hearing under Franks v. Delaware, 438 U.S. 154 (1978). See id. at 155–56, 171.

AFFIRMED.