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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NOT FOR PUBLICATION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>Plaintiff - Appellee,</p> <p>v.</p> <p>LEON BROWN, a.k.a. B-Rock,</p> <p>Defendant - Appellant.</p>

No. 10-50283

D.C. No. 2:09-cr-01189-R

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Manuel L. Real, District Judge, Presiding

Submitted May 24, 2011 **

Before: PREGERSON, THOMAS, and PAEZ, Circuit Judges.

Leon Brown appeals from the 36-month sentence imposed following his guilty-plea conviction of distribution of, and possession with intent to distribute, cocaine base in the form of crack cocaine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C). We have jurisdiction under 28 U.S.C. §1291. We affirm in part

* 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 vacate in part, and we remand.

Brown contends the district court abused its discretion by imposing special conditions of supervised release relating to gang associations. The government agrees that our case law requires vacatur of the condition prohibiting Brown from associating with persons associated with the Athens Park Bloods gang. *See United States v. Johnson*, 626 F.3d 1085, 1091 (9th Cir. 2010).

We otherwise affirm. The terms and conditions of Brown's supervised release relating to associating with known members of the Athens Park Bloods gang, knowingly wearing, displaying, using or possessing clothing and other items affiliated with the gang, and being present in locations the gang is known to assemble, are not vague or overbroad, do not deprive him of more liberty than necessary, and are reasonably related to the goals of 18 U.S.C. § 3553(a). *See United States v. Ross*, 476 F.3d 719, 721-22 (9th Cir. 2007); *see also United States v. Soltero*, 510 F.3d 858, 865-67 (9th Cir. 2007) (per curiam).

AFFIRMED in part; VACATED in part; and REMANDED.