

JUL 22 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NOT FOR PUBLICATION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.

LOUIE RODRIGUEZ,

Defendant - Appellant.

No. 08-10471

D.C. No. 4:07-CR-00753-DLJ

MEMORANDUM\*

Appeal from the United States District Court  
for the Northern District of California  
D. Lowell Jensen, District Judge, Presiding

Submitted July 12, 2011\*\*

Before: SCHROEDER, ALARCÓN, and LEAVY, Circuit Judges.

Louie Rodriguez appeals from his guilty-plea conviction and 77-month sentence for being a felon in possession of a firearm and ammunition, in violation of 18 U.S.C. § 922(g)(1). We affirm the conviction, but remand for the limited

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\* 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).

purpose of conforming the written judgment to the oral pronouncement of sentence.

Rodriguez contends the case should be remanded to conform special condition of supervised release number 2 in the written judgment to the oral pronouncement of sentence. The government agrees. The record demonstrates that the written judgment – which requires Rodriguez to provide the probation officer access to any requested financial information, including tax returns, and authorizes the probation office to conduct checks and obtain copies of income tax returns – is inconsistent with the oral pronouncement of sentence, which does not contain that requirement. The condition regarding financial information is therefore not a cognizable part of Rodriguez’s sentence and must be stricken from the written judgment. *See United States v. Hicks*, 997 F.2d 594, 597 (9th Cir. 1993) (stating that the unambiguous oral pronouncement of sentence controls).

**The conviction is AFFIRMED, and the case REMANDED for proceedings consistent with this opinion.**