

JAN 20 2012

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NOT FOR PUBLICATION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.

LUIS ARCHIE LORETO,

Defendant - Appellant.

No. 11-10060

D.C. No. 4:09-cr-01389-CKJ

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Cindy K. Jorgenson, District Judge, Presiding

Submitted January 17, 2012**

Before: LEAVY, TALLMAN, and CALLAHAN, Circuit Judges.

Luis Archie Loreto appeals from a condition of supervised release imposed following his guilty-plea conviction for possession with intent to distribute marijuana, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B)(vii). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

* 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).

Loreto contends that the district court erred by imposing a special condition of supervised release requiring him to submit, at the direction of his probation officer, to a psychosexual evaluation, which may include a polygraph examination. Loreto argues that the condition is not reasonably related to his conviction or his history and characteristics. The district court did not abuse its discretion, as the challenged condition is reasonably related to the goals of deterrence, protection of the public, and rehabilitation; and does not involve a greater deprivation of liberty than is reasonably necessary. *See* 18 U.S.C. § 3583(d); *United States v. Rearden*, 349 F.3d 608, 618 (9th Cir. 2003).

AFFIRMED.