

MAR 13 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JAIME GARCIA, a.k.a. Cisco, a.k.a.  
Sisco, a.k.a. Thumper,

Defendant - Appellant.

No. 11-50163

D.C. No. 2:09-cr-00440-SJO

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
S. James Otero, District Judge, Presiding

Submitted March 6, 2012\*\*

Before: B. FLETCHER, REINHARDT, and TASHIMA, Circuit Judges.

Jaime Garcia appeals from the 296-month sentence imposed following his guilty-plea conviction for conspiracy to possess with intent to distribute

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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).

methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and 846.<sup>1</sup>

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Garcia’s counsel has filed a brief stating there are no grounds for relief, along with a motion to withdraw as counsel of record. We have provided the appellant the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Our independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 80-81 (1988), discloses no arguable grounds for relief on direct appeal.

However, we remand for the district court to conform the written judgment to the oral pronouncement of sentence with respect to special condition of supervised release number nine. Specifically, on remand the district court shall add to the written judgment the exception regarding the homes of family members announced at sentencing. See *United States v. Allen*, 157 F.3d 661, 668 (9th Cir. 1998). Additionally, in light of *United States v. Johnson*, 626 F.3d 1085, 1091 (9th Cir. 2010), we remand with instructions to strike the language in special condition of supervised release number eight that Garcia may not associate with “persons associated with the Pacoima gang.”

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<sup>1</sup> The written judgment incorrectly indicated that Garcia pleaded not guilty.

Counsel's motion to withdraw is **GRANTED**.

**AFFIRMED in part; REMANDED to correct the judgment.**