

SEP 20 2012

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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NOT FOR PUBLICATION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>IVAN LOPEZ,</p> <p>Defendant - Appellant.</p>
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No. 11-50372

D.C. No. 5:10-cr-00065-VAP

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Virginia A. Phillips, District Judge, Presiding

Submitted September 10, 2012**

Before: WARDLAW, CLIFTON, and N.R. SMITH, Circuit Judges.

Ivan Lopez appeals from a special condition of supervised release imposed following his guilty-plea conviction for travel with intent to engage in illicit sexual conduct, in violation of 18 U.S.C. § 2423(b). 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).

Lopez contends that the district court plainly erred by imposing a 2,000-foot residency restriction in lieu of the “direct view” restriction agreed to by the parties in the plea agreement. Although the district court failed to articulate the reason for its specific selection of the 2,000-foot restriction recommended by the Probation Office, other than to note that the change addressed vagueness concerns, Lopez acquiesced in the modification at the hearing. Given Lopez’s history and the crime to which he pled guilty, imposition of the restriction was not plain error. *See* 18 U.S.C. § 3583(d); *United States v. Blinkinsop*, 606 F.3d 1110, 1118-19 (9th Cir. 2010).

AFFIRMED.