

MAR 14 2013

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NOT FOR PUBLICATION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.

ANGEL RAMIREZ-ARROYO,

Defendant - Appellant.

No. 10-30335

D.C. No. 3:08-cr-00228-MO-3

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Michael W. Mosman, District Judge, Presiding

Submitted March 7, 2013**
Portland, Oregon

Before: CLIFTON and BEA, Circuit Judges, and MAHAN, District Judge.***

Appellant Angel Ramirez-Arroyo appeals the denial of his motion to suppress evidence from a series of wiretaps.

* 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).

*** The Honorable James C. Mahan, District Judge for the U.S. District Court for the District of Nevada, sitting by designation.

1. Each of the government’s wiretap affidavits contained “a full and complete statement” as required by 18 U.S.C. § 2518(1)(c) by discussing normal investigative procedures that had been tried and failed, reasonably appeared unlikely to succeed if tried, or were too dangerous. *See* 18 U.S.C. § 2518(1)(c). Each affidavit properly incorporated previous affidavits, *see United States v. Garcia-Villalba*, 585 F.3d 1223, 1232 (9th Cir. 2009), and provided case-specific explanations for the use, limitations and rejection of various traditional surveillance tactics in the investigations of specific individuals. *See id.* at 1229–30.
2. Based on the sufficient factual matter contained in each supporting affidavit, the district court did not abuse its discretion in finding that the wiretaps, including the extensions, were “necessary” within the meaning of 18 U.S.C. § 2518(3)(c). *United States v. Rivera*, 527 F.3d 891, 898, 903 (9th Cir. 2008).
3. Accordingly, it was proper for the district court to deny appellant’s motion to suppress. *See United States v. Fernandez*, 388 F.3d 1199, 1234 (9th Cir. 2004).

AFFIRMED.