

MAY 24 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NOT FOR PUBLICATION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.

SANDY WACHS,

Defendant - Appellant.

No. 12-50201

D.C. No. 2:11-cr-00507-RGK-1

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
R. Gary Klausner, District Judge, Presiding

Submitted May 9, 2013**
Pasadena, California

Before: PREGERSON and FISHER, Circuit Judges, and DANIEL, District
Judge.***

Sandy Wachs appeals the district court's imposition of a supervised release
condition requiring him to register as a convicted sex offender pursuant to the Sex

*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 Wiley Y. Daniel, Senior United States District Judge for
the District of Colorado, sitting by designation.

Offender Registration and Notification Act (“SORNA”), 42 U.S.C. § 16913(a).

We have jurisdiction under 28 U.S.C. § 1291 and 18 U.S.C. § 3742(a). We affirm.

18 U.S.C. §§ 3551 and 3553 set forth, *inter alia*, the parameters a district court must adhere to in sentencing a defendant. Neither section precludes applicability of SORNA’s mandatory sex offender registration requirement as a condition of supervised release. Thus, the district court did not err in imposing the supervised release condition.

Wachs waived his substantive due process claim by failing to adequately present an argument in support of such claim in his opening brief. *See Indep. Towers of Wash. v. Washington*, 350 F.3d 925, 929 (9th Cir. 2003). Assuming, *arguendo*, that Wachs did not waive his substantive due process claim, SORNA’s mandatory sex offender registration requirement is rationally related to the legitimate governmental purpose of public safety. The district court did not commit plain error in imposing the supervised release condition.

AFFIRMED.