

JUN 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NOT FOR PUBLICATION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.

EDUARDO MORAN,

Defendant - Appellant.

No. 11-10500

D.C. No. 2:10-cr-00575-JCM

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
James C. Mahan, District Judge, Presiding

Submitted June 18, 2013**

Before: TALLMAN, M. SMITH, and HURWITZ, Circuit Judges.

Eduardo Moran appeals from the district court's judgment entered following his guilty-plea conviction for conspiracy to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A)(viii). We have jurisdiction under 28 U.S.C. § 1291, and we affirm in part, and vacate and remand in part.

* 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).

Moran contends that the district court plainly erred by ordering him permanently ineligible for all federal benefits. The government agrees and has filed an unopposed motion for remand. The motion for remand is granted. The portion of the district court's judgment ordering that appellant shall be ineligible for all federal benefits for life is vacated. We remand to the district court for the limited purpose of considering if any lesser ban on receipt of federal benefits should be imposed. *See* 21 U.S.C. § 862. All other aspects of Moran's sentence, and his conviction, are affirmed.

AFFIRMED in part; VACATED and REMANDED in part.