

JAN 15 2014

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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NOT FOR PUBLICATION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.

ANTONIO FLORES-CURIEL,

Defendant - Appellant.

No. 13-50048

D.C. No. 3:92-mj-04048-BTM-1

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Barry T. Moskowitz, District Judge, Presiding

Submitted January 9, 2014**
Pasadena, California

Before: W. FLETCHER, M. SMITH, and WATFORD, Circuit Judges.

Antonio Flores-Curiel does not qualify for expungement of his 1992 conviction under the Federal First Offender Act (FFOA), 18 U.S.C. § 3607. He concedes that he was not sentenced under § 3607(a) and that he was over 21 at the

* 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).

time of the offense. Thus, he does not meet the FFOA's conditions for expungement. *See United States v. Crowell*, 374 F.3d 790, 792 (9th Cir. 2004).

AFFIRMED.