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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NOT FOR PUBLICATION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>EDUARDO VARGAS-PEREZ,</p> <p>Defendant - Appellant.</p>
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No. 13-10550

D.C. No. 2:11-cr-00760-PGR

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Arizona  
Paul G. Rosenblatt, District Judge, Presiding

Submitted June 25, 2014\*\*

Before: HAWKINS, TALLMAN, and NGUYEN, Circuit Judges.

Eduardo Vargas-Perez appeals from the district court’s order revoking supervised release and challenges the imposition of two conditions of supervised release. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Vargas-Perez contends that the district court erred by imposing two standard

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\* 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).

conditions of supervised release requiring that Vargas-Perez “not frequent places where controlled substances are illegally sold, used, distributed, or administered,” and “not associate with any persons engaged in criminal activity [or] with any person convicted of a felony.” He argues that the conditions violate 18 U.S.C. § 3583 and due process because they lack an explicit mens rea requirement. We review for plain error, *see United States v. Vega*, 545 F.3d 743, 747 (9th Cir. 2008), and find none. Vargas-Perez’s challenge fails because prohibited criminal acts are presumed to require an element of mens rea. *See id.* at 750 (upholding a nonassociation condition after construing it to require knowing association with the prohibited group); *see also United States v. Phillips*, 704 F.3d 754, 768 (9th Cir. 2012) (supervised release condition restricting a defendant from frequenting places where illegal drugs are used or sold does not violate due process because a reasonable person would understand that the condition prohibits knowingly going to a place where drugs are illegally used or sold).

**AFFIRMED.**