

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

OCT 17 2014

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MICHAEL SAKUMA,

Defendant - Appellant.

No. 13-10317

D.C. No. 1:12-cr-00055-JMS-1

MEMORANDUM*

Appeal from the United States District Court
for the District of Hawaii
J. Michael Seabright, District Judge, Presiding

Submitted October 8, 2014**
University of Hawaii William S. Richardson School of Law
Honolulu, Hawaii

Before: TASHIMA, RAWLINSON, and CLIFTON, Circuit Judges.

Appellant Michael Sakuma (Sakuma) entered a conditional guilty plea to conspiracy to distribute and possession with intent to distribute 500 grams or more of a mixture and substance containing methamphetamine. He now appeals 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).

district court's denial of his motion to suppress evidence obtained pursuant to a state court search warrant.

The district court did not err in finding that the good faith exception applied to any deficiency in the warrant because the police officers' reliance on the warrant was not *per se* unreasonable. *See United States v. Leon*, 468 U.S. 897, 922-23 (1984). The issuing judge was not misled by information that was recklessly or knowingly omitted from the affidavit, nor did the issuing judge wholly abandon his judicial role. *See id.* at 923. Moreover, the affidavit was not "so lacking in indicia of probable cause as to render official belief in its existence entirely unreasonable[,]” or facially deficient. *Id.*

AFFIRMED.