

JUN 20 2016

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NOT FOR PUBLICATION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.

ROBERT JAMES SCHEAFFER, Jr.,

Defendant - Appellant.

No. 14-30004

D.C. No. 4:13-cr-00084-BMM

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Brian M. Morris, District Judge, Presiding

Submitted June 14, 2016**

Before: BEA, WATFORD, and FRIEDLAND, Circuit Judges.

Robert James Scheaffer, Jr., appeals from the district court's judgment and challenges a special condition of supervised release imposed following his guilty-plea conviction for sexual abuse of a minor, in violation of 18 U.S.C. §§ 1153(a)

* 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). Scheaffer's request for oral argument is denied.

and 2243(a)(1). We have jurisdiction under 28 U.S.C. § 1291, and we vacate and remand.

Scheaffer challenges the district court's imposition of Special Condition 10, which prohibits him from associating with minors in several ways. As the government concedes, the portion of the condition prohibiting Scheaffer from dating or socializing with any person he knows to have minor children is overbroad. *See United States v. Wolf Child*, 699 F.3d 1082, 1100-02 (9th Cir. 2012). We, therefore, vacate the condition and remand for the district court to consider whether to impose a similar but more narrowly drawn condition. *See id.* at 1103. In light of this disposition, we do not reach Scheaffer's challenge to the other portions of the special condition. Schaeffer may raise those arguments on remand if the district court elects to impose a similar condition.

VACATED and REMANDED.