

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 23 2021

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

CINDY ESCOBEDO,

Defendant-Appellant.

No. 19-50135

D.C. No. 3:16-cr-00538-H-1

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Marilyn L. Huff, District Judge, Presiding

Submitted March 16, 2021**

Before: GRABER, R. NELSON, and HUNSAKER, Circuit Judges.

Cindy Escobedo appeals from the district court's judgment revoking supervised release. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Escobedo contends that the district court imposed an impermissibly vague condition of supervised release when it stated during the sentencing hearing that

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Escobedo was required to refrain from “things that could be perceived as alien smuggling activities.” When viewed in context, it is apparent that the district court’s statement did not amount to a new condition of supervised release. At most, the oral pronouncement was ambiguous as to whether the court intended to impose an additional condition of supervised release. However, the written judgment, which does not include any such supervised release condition, demonstrates that the court did not intend to impose an additional condition.

AFFIRMED.