

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 18 2026

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MUNIR WALJI,

Defendant - Appellant.

No. 25-415

D.C. No.

2:23-CR-00011-TL

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Tana Lin, District Judge, Presiding

Argued and Submitted August 7, 2026
Seattle, Washington

Before: N.R. SMITH and DE ALBA, Circuit Judges, and LIBURDI, District
Judge.**

Defendant-Appellant Munir Walji appeals the district court's order denying his motion for a new trial following his criminal conviction by a jury for sexual abuse of a minor and abusive sexual contact in the special aircraft jurisdiction of the United

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

** The Honorable Michael T. Liburdi, United States District Judge for the District of Arizona, sitting by designation.

States. Walji argues that the prosecution engaged in misconduct by improperly vouching for the victim's credibility. We have jurisdiction under 28 U.S.C. § 1291. We affirm.

“We ordinarily review for abuse of discretion the district court's denial of a motion for new trial based on prosecutorial misconduct,” but when, as here, “the defense does not object to the prosecutor's conduct during trial, we review for plain error.” *United States v. Atcheson*, 94 F.3d 1237, 1244 (9th Cir. 1996).

1. We apply plain error review. Walji conceded before the district court that plain error review applies to his vouching claims. The district court granted Walji's motion *in limine* excluding “any statement or testimony that is a personal belief or opinion as to [Walji]'s guilt or veracity.” But Walji did not object to the purported vouching when the prosecutor elicited the challenged testimony and made the challenged statements. *See* Fed. R. Evid. 103 advisory committee's note to 2000 amendment (“[I]f [an] opposing party violates the terms of the initial ruling, objection must be made when the evidence is offered to preserve the claim of error for appeal” because the “error, if any, in such a situation occurs only when the evidence is offered and admitted.”).

2. We conclude that the prosecution did not engage in vouching. The prosecution's eliciting of testimony from Michelle Stromme, a child forensic interviewer, was not vouching because the questioning concerned her methodology,

not assurances of truthfulness, and she expressly disclaimed any extra-record knowledge of the victim's truthfulness. *See United States v. Tavakkoly*, 238 F.3d 1062, 1066 (9th Cir. 2001) (holding that it is not improper vouching for the prosecutor to "merely conduct[] a candid and thorough direct examination to set before the jury an accurate picture of the witness's history and his role in the investigation"). Nor did any of the prosecution's comments in its closing argument constitute vouching because the prosecution did not describe the interview's substance or otherwise reference evidence outside the record before the jury. *See United States v. Gooch*, 506 F.3d 1156, 1160 (9th Cir. 2007) (holding that a suggestion in a closing statement that "certain government witnesses testified consistently with other government witnesses" was not vouching because the statements "referred only to evidence in the record that allowed the jury to independently assess the witnesses' credibility"). Because the prosecution did not engage in vouching, Walji is not entitled to a new trial.

3. Even if the prosecution's statements amount to vouching, the district court did not err in finding that the statements did not "seriously affect the fairness, integrity or public reputation of the judicial proceedings," or create a situation "where failing to reverse [Walji's] conviction would amount to a miscarriage of justice." *United States v. Necoechea*, 986 F.2d 1273, 1276 (9th Cir. 1993) (citation modified). The district court instructed the jury before and after trial that the jury

must “decide the case solely on the evidence received at the trial.” *See United States v. Brooks*, 508 F.3d 1205, 1211 (9th Cir. 2007) (holding that “the prejudice from vouching was reduced by curative instructions,” including instructing the jury “to make careful credibility assessments of witnesses” and to give witnesses’ testimony “the weight that [the jury] feel[s] it deserves”). The prosecution informed the jury that they heard no evidence of the forensic interview’s contents and reminded the jury that its role was to determine credibility. Moreover, considering the relative strength of the prosecution’s case, which included DNA evidence and other witnesses’ testimony, the brief statements were not so crucial to the prosecution’s case that it would be reasonable to conclude that their absence would have resulted in the jury declining to credit the victim’s testimony. *See United States v. Flores*, 802 F.3d 1028, 1041 (9th Cir. 2015).

AFFIRMED.