

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 25 2026

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MICHAEL SCOTT LYTLE,

Defendant - Appellant.

No. 25-6093

D.C. No.

3:21-cr-00461-SI-1

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon

Michael H. Simon, District Judge, Presiding

Submitted September 22, 2026**

Before: OWENS, COLLINS, and SUNG, Circuit Judges.

Michael Scott Lytle appeals from the district court's judgment revoking supervised release and challenges two special conditions of supervised release imposed upon revocation. We have jurisdiction under 28 U.S.C. § 1291, and we affirm in part and vacate and remand in part.

* 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).

Lytle argues that Special Conditions 11 and 12 are not reasonably related to the goals of supervision and infringe on Lytle's liberty more than is reasonably necessary. Special Condition 11 permits probation to search his electronic devices "when reasonable suspicion exists that there is a violation of a condition of supervision and that the computer or device contains evidence of this violation." Special Condition 12 permits probation to install computer monitoring software on any computer Lytle uses. We review the imposition of these conditions for abuse of discretion. *See United States v. Johnson*, 697 F.3d 1249, 1251 (9th Cir. 2012).

The district court explained that the conditions were warranted given the "combination" of Lytle's ongoing drug use and other violations, and his use of the internet to contact his sex abuse victim in the state case. This explanation reflects that Special Condition 11 is reasonably related to the nature of Lytle's violations, his history, and the need for deterrence and rehabilitation. 18 U.S.C. §§ 3583(d)(1); *United States v. Bare*, 806 F.3d 1011, 1019 (9th Cir. 2015) (the law requires only "some nexus" between the condition and the goals of supervision). Moreover, Special Condition 11 does not infringe on Lytle's liberty more than reasonably necessary because any search must be supported by reasonable suspicion that a violation has occurred and that the device contains evidence of the violation. *See* 18 U.S.C. § 3583(d)(1). Thus, the district court did not abuse its discretion in imposing Special Condition 11 and we affirm as to that condition.

As to Special Condition 12, the government acknowledges its breadth but asserts that the condition is susceptible to the limiting construction that it permits probation to monitor Lytle's devices only for drug possession, use, and dealing, and sex abuse specific content. It also asserts that the condition is limited by its three specified purposes: determining whether (1) the computer contains any prohibited data prior to installation of the monitoring software; (2) the monitoring software is functioning effectively after its installation; and (3) there have been attempts to circumvent the monitoring software after its installation. But, these purposes do not speak to the nature of the monitoring that is authorized post-installation (beyond checks for proper functioning or tampering) or specify what kinds or degrees of monitoring are authorized. *See United States v. Quinzon*, 643 F.3d 1266, 1271-72 (9th Cir. 2011) (discussing the "broad swath of surveillance methods" available through monitoring programs, from software that records all computer-based activities to software that focuses on specific types of unauthorized materials). Under these circumstances, we vacate Special Condition 12 and remand for the district court to narrow the condition. *See United States v. Sales*, 476 F.3d 732, 737-38 (9th Cir. 2007) (district court "is better suited to the job of crafting adequate but not overly restrictive conditions of supervised release").

AFFIRMED in part; VACATED in part.