

MAR 06 2008

MOLLY DWYER, ACTING 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NOT FOR PUBLICATION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.

TERRY AVANT, JR.,

Defendant - Appellant.

No. 07-50289

D.C. No. CR-07-00172-GT-1

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Gordon Thompson, Jr., Senior District Judge, Presiding

Submitted February 26, 2008**

Before: BEEZER, FERNANDEZ and McKEOWN, Circuit Judges.

Terry Avant, Jr. appeals from the conditions of supervised release imposed following his guilty-plea conviction for importation of marijuana, in violation of

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

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

21 U.S.C. §§ 952 and 960. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we vacate and remand.

Avant contends that it was impermissible for the district court to impose conditions of supervised release that require him to disclose financial information upon request and prohibit him from opening checking accounts or incurring credit charges without approval of the probation officer. Because the record does not contain sufficient findings for us to determine whether the challenged conditions are “reasonably related to the goal of deterrence, protection of the public, or rehabilitation of the offender,” *United States v. T.M.*, 330 F.3d 1235, 1240 (9th Cir. 2003), and whether they involve “no greater deprivation of liberty than is reasonably necessary,” 18 U.S.C. § 3583(d), we vacate the conditions and remand to the district court to re-examine and address the appropriateness of the conditions.

VACATED and REMANDED.