

# **Appendix**

Ninth Circuit's Dispositive Order (January 9, 2020).....	1a
District Court's Order Denying Motion to Dismiss (December 10, 2020).....	2a

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

**FILED**

JAN 9 2020

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

UNITED STATES OF AMERICA,  
  
Plaintiff-Appellee,  
  
v.  
  
SILAS BERNARD PETERSON,  
  
Defendant-Appellant.

No. 19-50156

D.C. No. 5:18-cr-00037-AB-1  
Central District of California,  
Riverside

ORDER

Before: CALLAHAN, NGUYEN, and HURWITZ, Circuit Judges.

A review of the record and the opening brief indicates that the questions raised in this appeal are obviously controlled by this court's opinion in *United States v. Richardson*, 754 F.3d 1143 (9th Cir. 2014), and the Supreme Court's opinion in *Gundy v. United States*, 139 S. Ct. 2116 (2019), *reh'g denied*, 2019 WL 6257579 (U.S. Nov. 25, 2019), and are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (stating standard). Accordingly, we grant the government's motion (Docket Entry No. 16) for summary affirmance.

**AFFIRMED.**

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CRIMINAL MINUTES - GENERAL**

Case No. ED CR18-00037-AB

Date December 10, 2018

Present: The Honorable ANDRÉ BIROTTÉ JR., UNITED STATES DISTRICT JUDGE

Interpreter N/A

Carla Badirian

N/A

None Appearing

*Deputy Clerk*

*Court Reporter*

*Assistant U.S. Attorney*

U.S.A. v. Defendant(s):

Not  
Present

Cust.    Bond

Attorneys for Defendants: Present App. Ret.

Silas Bernard Peterson

X

None Appearing

**Proceedings: [In Chambers] Order DENYING Motion to Dismiss Indictment [41]**

In this action, Defendant Silas Bernard Peterson (“Defendant”) was indicted for a single count of violating the Sex Offender Registration and Notification Act (“SORNA”), 34 U.S.C. § 20901, et seq., which was enacted after Defendant was convicted of a sex crime. In SORNA, Congress delegated to the Attorney General the “authority to specify the applicability of the requirements of this title to sex offenders convicted before the enactment of this Act.” 34 U.S.C. § 2093(d). Defendant now moves to dismiss the indictment on the ground Congress’s delegation of this authority to the Attorney General is unconstitutional.

As Defendant acknowledges, however, his claim is currently foreclosed by Ninth Circuit precedent. *See United States v. Richardson*, 754 F.3d 1143, 1146 (9th Cir. 2014) (per curiam) (“SORNA’s delegation of authority to the Attorney General to determine the applicability of SORNA’s registration requirements to pre-SORNA sex offenders is consistent with the requirements of the non-delegation doctrine.”). The Motion is therefore DENIED. The hearing set for December 14, 2018 is hereby VACATED.

**IT IS SO ORDERED.**