

**FILED**

UNITED STATES COURT OF APPEALS

JUL 26 2010

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

EDWARD LUTT, AKA Tony,

Defendant - Appellant.

No. 09-50182

D.C. No. 8:06-cr-00061-JVS-2  
Central District of California,  
Santa Ana

ORDER

Before: ALARCÓN, LEAVY and GRABER, Circuit Judges.

We instruct the Clerk to withdraw the memorandum disposition filed on July 21, 2010, and to file the attached memorandum disposition simultaneously with this order.

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MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
James V. Selna, District Judge, Presiding

Submitted June 29, 2010\*\*

Before: ALARCÓN, LEAVY, and GRABER, Circuit Judges.

Edward Lutt appeals from the 15-month sentence imposed following his guilty-plea conviction for conspiracy, in violation of 18 U.S.C. § 371, and engaging in monetary transactions with criminally derived property, in violation of

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

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

18 U.S.C. §§ 1957(a) and 2. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Lutt's counsel has filed a brief stating there are no grounds for relief, along with a motion to withdraw as counsel of record. We have provided the appellant with the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Our independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 80-81 (1988), discloses no arguable grounds for relief on direct appeal. We dismiss the appeal of the sentence in light of the valid appeal waiver. *See United States v. Nguyen*, 235 F.3d 1179, 1182 (9th Cir. 2000).

Counsel's motion to withdraw is **GRANTED**.

The conviction is **AFFIRMED**, and the appeal of the sentence is **DISMISSED**.