

SEP 07 2010

MOLLY C. DWYER, 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NOT FOR PUBLICATION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.

DANIEL NICHERIE, AKA Seal F,

Defendant - Appellant.

No. 09-50312

D.C. No. 2:05-cr-01046-DSF-5

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Dale S. Fischer, District Judge, Presiding

Submitted August 30, 2010**
Pasadena, California

Before: **KOZINSKI**, Chief Judge, **O'SCANNLAIN** and **GOULD**, Circuit
Judges.

Nicherie appeals the district court's revocation of his supervised release.

Nicherie's counsel has filed an Anders brief stating that there are no arguable

* 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).

grounds for relief and a motion to withdraw as counsel. See Anders v. California, 386 U.S. 738, 744 (1967); United States v. Griffy, 895 F.2d 561, 562–63 (9th Cir. 1990). Nicherie alleges in a declaration supporting his motion for appointment of new counsel that the district court committed various errors at his revocation hearing.

We have independently examined the record and found no non-frivolous issues for appeal. United States v. Aguilar-Muniz, 156 F.3d 974, 978 (9th Cir. 1998); see Penson v. Ohio, 488 U.S. 75, 80–81 (1988). Counsel’s motion to withdraw is granted. Nicherie’s motion for appointment of new counsel is denied.

AFFIRMED.