

JAN 02 2013

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NOT FOR PUBLICATION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.

RONNIE OWEN,

Defendant - Appellant.

No. 12-30023

D.C. No. 2:09-cr-00098-FVS

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of Washington
Fred L. Van Sickle, District Judge, Presiding

Submitted December 19, 2012**

Before: GOODWIN, WALLACE, and FISHER, Circuit Judges.

Ronnie Owen appeals from the district court's judgment and challenges his guilty-plea conviction and 36-month sentence for identity theft, in violation of 18 U.S.C. § 1028(a)(3). Pursuant to *Anders v. California*, 386 U.S. 738 (1967),

* 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).

Owen's counsel has filed a brief stating that there are no grounds for relief, along with a motion to withdraw as counsel of record. We have provided Owen the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Owen waived his right to appeal his conviction. He also waived the right to appeal his sentence, with the exception of his right to challenge the amount of restitution. Our independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 80 (1988), discloses no arguable grounds for relief as the amount of restitution ordered by the district court. We therefore affirm as to that issue. We dismiss the remainder of the appeal in light of the valid appeal waiver. *See United States v. Watson*, 582 F.3d 974, 988 (9th Cir. 2009).

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

Owen's motion for appointment of substitute counsel is **DENIED**.

AFFIRMED in part; DISMISSED in part.