

JAN 16 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NOT FOR PUBLICATION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.

STEPHAN LEE DONALDSON, a.k.a.
Justin Lee Young,

Defendant - Appellant.

No. 10-30153

D.C. No. 2:08-cr-00401-JLR

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
James L. Robart, District Judge, Presiding

Submitted January 15, 2013**

Before: SILVERMAN, BEA, and NGUYEN, Circuit Judges.

Stephan Lee Donaldson appeals from the district court’s judgment and challenges his guilty-plea conviction and the sentence of four months imprisonment and \$108,806.14 in restitution imposed for misprision of a felony, in

* 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).

violation of 18 U.S.C. § 4. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Donaldson'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 Donaldson 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 (1988), discloses no arguable grounds for relief as to Donaldson's conviction. We accordingly affirm Donaldson's conviction.

Donaldson waived the right to appeal his sentence, including the amount of restitution. Because the record discloses no arguable issue as to the validity of the sentencing waiver, we dismiss Donaldson's appeal as to his sentence. *See United States v. Watson*, 582 F.3d 974, 986-88 (9th Cir. 2009).

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

AFFIRMED in part; DISMISSED in part.