

DEC 18 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NOT FOR PUBLICATION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.

SHAWN BRIAN ELTRINGHAM, Jr.,

Defendant - Appellant.

No. 12-30402

D.C. No. 6:12-cr-00011-DLC

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Dana L. Christensen, District Judge, Presiding

Submitted December 17, 2013**

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

Shawn Brian Eltringham, Jr., appeals from the district court’s judgment and challenges his guilty-plea conviction and 24-month sentence for distribution of methamphetamine, in violation of 21 U.S.C. § 841(a), (b)(1)(C). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Eltringham’s counsel has filed a brief

* 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).

stating that there are no grounds for relief. We have provided Eltringham 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 *Penon v. Ohio*, 488 U.S. 75, 80 (1988), discloses no arguable grounds for relief on direct appeal.

Eltringham's request for a remand is denied. *See United States v. Ruiz*, 536 U.S. 622, 633 (2002) (“[T]he Constitution does not require the Government to disclose material impeachment evidence prior to entering a plea agreement with a criminal defendant.”).

AFFIRMED.