

APR 14 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p style="text-align: center;">Plaintiff - Appellee,</p> <p style="text-align: center;">v.</p> <p>MICHAEL O. DeVAUGHN,</p> <p style="text-align: center;">Defendant - Appellant.</p>

No. 12-55957

D.C. Nos. 2:92-cv-07597-TJH
2:87-cr-00886-TJH

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Terry J. Hatter, Jr., District Judge, Presiding

Submitted April 7, 2014**

Before: TASHIMA, GRABER, and IKUTA, Circuit Judges.

Michael O. DeVaughn appeals from the district court’s denial of his motion under Federal Rule of Civil Procedure 60(b) to set aside the court’s 1993 judgment denying his 28 U.S.C. § 2255 motion. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), DeVaughn’s counsel has filed a brief stating that there are no grounds

* 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).

for relief, along with a motion to withdraw as counsel of record. DeVaughn has filed a pro se supplemental brief and the government has filed an answering brief.

Our independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 80 (1988), discloses no arguable grounds for relief.

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

AFFIRMED.