

JUL 29 2014

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NOT FOR PUBLICATION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.

ATLANTICA KAHAUNANI
TANUVASA, a.k.a. Nani,

Defendant - Appellant.

No. 13-10587

D.C. No. 1:10-cr-00528-SOM

MEMORANDUM*

Appeal from the United States District Court
for the District of Hawaii
Susan Oki Mollway, Chief Judge, Presiding

Submitted July 22, 2014**

Before: GOODWIN, CANBY, and CALLAHAN, Circuit Judges.

Atlantica Kahaunani Tanuvasa appeals from the district court's judgment and challenges her guilty-plea conviction and 55-month sentence for one count of conspiracy to commit wire fraud and make false statements on loan applications, 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. § 371; and two counts of wire fraud, in violation of 18 U.S.C. §§ 1343 and 2. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Tanuvasa’s counsel has filed a brief stating that there are no grounds for relief, along with a motion to withdraw as counsel of record. Tanuvasa has filed a pro se supplemental brief. No 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 on direct appeal.

We decline to review Tanuvasa’s ineffective assistance of counsel claims on direct appeal because this is not one of the “unusual cases where (1) the record on appeal is sufficiently developed to permit determination of the issue, or (2) the legal representation is so inadequate that it obviously denies a defendant his Sixth Amendment right to counsel.” *United States v. Rahman*, 642 F.3d 1257, 1260 (9th Cir. 2011). We leave open the possibility that Tanuvasa might raise an ineffective assistance of counsel claim in collateral proceedings. *See id.*

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

AFFIRMED.