

AUG 28 2014

MOLLY C. DWYER, CLERK
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NOT FOR PUBLICATION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>IRAN MICHAEL KESSELMAN,</p> <p style="text-align: center;">Defendant - Appellant.</p>

No. 13-30375

D.C. No. 2:13-cr-0011-SEH

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Sam E. Haddon, District Judge, Presiding

Submitted August 26, 2014**

Before: THOMAS, OWENS, and FRIEDLAND, Circuit Judges.

Iran Michael Kesselman appeals from the district court’s judgment and challenges his guilty-plea conviction and 224-month sentence for conspiracy to possess methamphetamine with intent to distribute, in violation of 21 U.S.C. § 846.

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Kesselman’s counsel has

* 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).

filed a brief stating that there are no grounds for relief, along with a motion to withdraw as counsel of record. We have provided Kesselman 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 Kesselman's conviction. We accordingly affirm Kesselman's conviction.

Kesselman waived the right to appeal his sentence. Because the record discloses no arguable issue as to the validity of the sentencing waiver, we dismiss Kesselman'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.