

SEP 04 2014

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U.S. COURT OF APPEALS

## NOT FOR PUBLICATION

## UNITED STATES COURT OF APPEALS

## FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DAVID WAYNE LAWRENCE,

Defendant - Appellant.

No. 13-30167

D.C. No. 4:12-cr-00031-DLC-1

MEMORANDUM\*

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

Submitted July 24, 2014\*\*

Before: HUG, FARRIS, and CANBY, Circuit Judges.

David Wayne Lawrence appeals from the district court's judgment and challenges his guilty-plea conviction and 65-month sentence for possession with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1).

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

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\* 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 Lawrence 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 as to Lawrence's conviction. We accordingly affirm the conviction.

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