

OCT 8 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NOT FOR PUBLICATION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>DANIEL EMMANUEL NICHERIE, a.k.a. Seal F,</p> <p style="text-align: center;">Defendant - Appellant.</p>

No. 12-50533

D.C. No. 2:05-cr-01046-DSF

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Dale S. Fischer, District Judge, Presiding

Submitted September 23, 2014**

Before: W. FLETCHER, RAWLINSON, and CHRISTEN, Circuit Judges.

Daniel Emmanuel Nicherie appeals from the district court’s judgment and challenges the revocation of supervised release and the three-month custodial sentence and 33-month term of supervised release imposed upon revocation.

* 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).

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Nicherie's counsel has filed a brief stating that there are no grounds for relief, along with a motion to withdraw as counsel of record. Nicherie has filed a pro se supplemental brief, the government has filed a motion for summary affirmance, and Nicherie has filed an opposition to the government's motion.

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.

As to the arguments made in Nicherie's pro se supplemental brief, the government's motion for summary affirmance is **GRANTED**. Nicherie's arguments concerning a fee dispute with one of his former attorneys are not properly before the court.

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

Nicherie's pro se motions for reappointment of his former counsel are **DENIED**.

AFFIRMED.