

OCT 20 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NOT FOR PUBLICATION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>KERRY SEAMAN,</p> <p style="text-align: center;">Defendant - Appellant.</p>
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No. 13-10235

D.C. No. 2:10-cr-00444-GEB

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Garland E. Burrell, Jr., District Judge, Presiding

Submitted October 14, 2014**

Before: LEAVY, GOULD, and BERZON, Circuit Judges.

Kerry Seaman appeals from the district court’s judgment and challenges the 44-month sentence imposed following her guilty-plea conviction for wire fraud and aiding and abetting, in violation of 18 U.S.C. §§ 1343 and 2. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Seaman’s counsel has filed a brief

* 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).

stating that there are no grounds for relief, along with a motion to withdraw as counsel of record. Seaman has filed a pro se supplemental brief and the government has filed an answering brief.

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

We decline to review Seaman's pro se 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).

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

Seaman's request for appointment of new counsel is **DENIED**.

AFFIRMED.