

DEC 22 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NOT FOR PUBLICATION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.

DAVID SHUMILO, a.k.a. Russian Boy,

Defendant - Appellant.

No. 13-50444

D.C. No. 2:09-cr-00939-GW-51

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
George H. Wu, District Judge, Presiding

Submitted September 30, 2014**

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

David Shumilo appeals from the district court’s judgment and challenges his guilty-plea conviction and 131-month sentence for a racketeer influenced and corrupt organizations conspiracy, in violation of 18 U.S.C. § 1962(d), and possession of a firearm in furtherance of a crime of violence or drug trafficking

* 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).

crime, in violation of 18 U.S.C. § 924(c). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Shumilo's counsel has filed a brief stating that there are no grounds for relief, along with a motion to withdraw as counsel of record. We have provided Shumilo the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Shumilo has waived his right to appeal his conviction and 131-month sentence. Because the record discloses no arguable issue as to the validity of the appeal waiver, we dismiss the appeal. *See United States v. Watson*, 582 F.3d 974, 986-88 (9th Cir. 2009).

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

DISMISSED.