

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

FEB 24 2015

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JAMES JOSEPH BJORNE BENNETT,

Defendant - Appellant.

Nos. 13-30149

13-30150

D.C. Nos. 3:08-cr-00441-MO

3:08-cr-00447-MO

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Michael W. Mosman, District Judge, Presiding

Submitted February 17, 2015**

Before: O'SCANNLAIN, LEAVY, and FERNANDEZ, Circuit Judges.

In these consolidated appeals, James Joseph Bjorne Bennett appeals his guilty-plea conviction and 168-month sentence for bank robbery and attempted bank robbery, in violation of 18 U.S.C. § 2113(a), and the revocation of supervised

* 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). Accordingly, Bennett's pro se request for oral argument is denied.

release and concurrent 36-month sentence imposed upon revocation. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Bennett's counsel has filed a brief stating that there are no grounds for relief, along with a motion to withdraw as counsel of record. Bennett has filed a pro se supplemental brief. No 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 on these direct appeals. We decline to consider Bennett's claims of ineffective assistance of counsel on direct appeal because the record is insufficiently developed to evaluate those claims, and Bennett's legal representation was not so inadequate as to obviously deny his right to counsel. *See United States v. Rahman*, 642 F.3d 1257, 1259-60 (9th Cir. 2011).

We remand for correction of the judgment in Appeal No. 13-30149. Bennett admitted to violating the conditions of his supervised release by committing the bank robbery offenses. The judgment shall be amended to reflect that supervised release was revoked on the basis of Bennett's commission of a new crime, and all references to violations of standard conditions #2 and #6 shall be stricken.

Counsel's motion to withdraw is **GRANTED**. All other pending motions are denied.

AFFIRMED; REMANDED to correct the judgment in Appeal No. 13-30149.