

FEB 24 2015

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NOT FOR PUBLICATION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.

PATRICK CHARLES THOMAS,

Defendant - Appellant.

No. 13-30294

D.C. No. 4:13-cr-00038-DLC

MEMORANDUM*

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

Submitted February 17, 2015**

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

Patrick Charles Thomas appeals from the district court's judgment awarding restitution to the government in the amount of \$162,865.36, following Thomas's guilty-plea conviction for conversion of secured property, in violation of 18 U.S.C. § 658. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

* 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).

Thomas contends that the district court erred by awarding restitution based on the value of properties converted by him because the government subsequently forgave payment on the loans for which the properties served as collateral, pursuant to a settlement reached in *Keepseagle v. Vilsak*. We need not reach this issue because Thomas has admitted that he did not meet the requirements under the *Keepseagle* settlement. The government has recently obtained a civil judgment against Thomas, based on the court's finding that Thomas made a fraudulent *Keepseagle* claim. *See United States v. Thomas*, No. 4:13-cv-00094-BMM (D. Mont. 2014).

We have reviewed Thomas's pro se supplemental brief and decline to consider Thomas's claim of ineffective assistance of trial counsel because the record is insufficiently developed to evaluate that claim on direct appeal, and Thomas'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). Thomas's remaining contentions lack merit.

AFFIRMED.