

FEB 25 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NOT FOR PUBLICATION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.

SUZETTE M. ANGUAY,

Defendant - Appellant.

No. 14-10066

D.C. No. 1:12-cr-00228-LEK

MEMORANDUM*

Appeal from the United States District Court
for the District of Hawaii
Leslie E. Kobayashi, District Judge, Presiding

Submitted February 17, 2015**

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

Suzette M. Anguay appeals from the district court's judgment and challenges her guilty-plea conviction and 46-month sentence for mail fraud, in violation of 18 U.S.C. § 1341. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Anguay's counsel has filed a brief stating that there are no grounds for

* 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).

relief, along with a motion to withdraw as counsel of record. Anguay has filed a pro se supplemental brief, and the government has filed an answering brief.

Our independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 80 (1988), discloses no arguable grounds for relief as to Anguay's conviction. We accordingly affirm Anguay's conviction.

Anguay waived the right to appeal her sentence. Because the record discloses no arguable issue as to the validity of the sentencing waiver, we dismiss Anguay's appeal as to her sentence. *See United States v. Watson*, 582 F.3d 974, 986-88 (9th Cir. 2009).

We decline to address Anguay's pro se challenges to the conditions of her confinement in this direct criminal appeal.

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

AFFIRMED in part; DISMISSED in part.