

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUN 25 2015

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOHN ERIC CARPEGNA,

Defendant - Appellant.

No. 13-36149

D.C. Nos. 9:12-cv-00010-DWM
9:08-cr-00014-DWM

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Donald W. Molloy, District Judge, Presiding

Submitted June 22, 2015**

Before: HAWKINS, GRABER, and W. FLETCHER, Circuit Judges.

John Eric Carpegna appeals from the district court's order denying his 28 U.S.C. § 2255 motion challenging his convictions by guilty plea to receipt of child pornography, in violation of 18 U.S.C. § 2252A(a)(2) (*Carpegna I*), and possession of child pornography, in violation of 18 U.S.C. § 2252A(a)(5)(B)

* 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).

(*Carpegna II*). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Carpegna'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 Carpegna the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

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 the claims certified for appeal.

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

Carpegna's request for new counsel is denied.

AFFIRMED.