NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUN 29 2015

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TERRY RICHARD SOMMERVILLE,

Defendant - Appellant.

No. 14-50216

D.C. No. 2:12-cr-00929-ABC

MEMORANDUM[*]

Appeal from the United States District Court
for the Central District of California
Audrey B. Collins, District Judge, Presiding

Submitted June 22, 2015[**]

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

Terry Richard Sommerville appeals from the district court's judgment and

challenges his guilty-plea conviction and 180-month sentence for sexual

exploitation of a child, in violation of 18 U.S.C. § 2251(a). Pursuant to *Anders v.*

California, 386 U.S. 738 (1967), Sommerville's counsel has filed a brief stating

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[*]   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).

that there are no grounds for relief, along with a motion to withdraw as counsel of record. We have provided Sommerville the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Sommerville waived his right to appeal his conviction, with the exception of an appeal based on a claim that his plea was involuntary. Sommerville also waived the right to appeal five specified issues related to his sentence. 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 voluntariness of Sommerville's plea or any sentencing issue outside the scope of the appeal waiver. We therefore affirm as to those issues. We dismiss the remainder of the appeal in light of the valid appeal waiver. *See United States v. Watson*, 582 F.3d 974, 988 (9th Cir. 2009).

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

AFFIRMED in part; DISMISSED in part.

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