

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

NOV 24 2015

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

BERNARD JAMES HORSTMAN,

Defendant - Appellant.

No. 15-30088

D.C. No. 9:13-cr-00021-DLC

MEMORANDUM*

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

Submitted November 18, 2015**

Before: TASHIMA, OWENS, and FRIEDLAND, Circuit Judges.

Bernard James Horstman appeals from the district court's order denying his motion for a sentence reduction under 18 U.S.C. § 3582(c)(2). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Horstman's counsel has filed a brief stating that there are no grounds for relief, along with a motion to withdraw as counsel of

* 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).

record. We have provided Horstman 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 on appeal.

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

AFFIRMED.