

FEB 25 2016

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NOT FOR PUBLICATION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.

DEBRA ANN NICKOLAS,

Defendant - Appellant.

No. 15-10187

D.C. No. 2:12-cr-01927-NVW-1

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Neil V. Wake, District Judge, Presiding

Submitted February 10, 2016**

Before: HUG, FARRIS, and CANBY, Circuit Judges.

Debra Ann Nickolas appeals from the district court's April 1, 2015 judgment and challenges her guilty-plea conviction and 60-month sentence for conspiracy, in violation of 18 U.S.C. § 371, and tax evasion, in violation of 26 U.S.C. § 7201.

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Nickolas's counsel has filed

* 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).

a brief stating that there are no grounds for relief, along with a motion to withdraw as counsel of record. Nickolas has filed a pro se supplemental brief. No answering brief has been filed.

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

We do not address any ineffective assistance of counsel claims on direct appeal because this is not one of the unusual cases where (1) the record on appeal is sufficiently developed to permit determination of the issue, or (2) the legal representation is so inadequate that it obviously denies a defendant her Sixth Amendment right to counsel. *See United States v. Rahman*, 642 F.3d 1257, 1260 (9th Cir. 2011).

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

DISMISSED.