

APR 18 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NOT FOR PUBLICATION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.

BRIAN SCOTT ORR,

Defendant - Appellant.

No. 14-50424

D.C. No. 2:13-cr-00872-DMG

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Dolly M. Gee, District Judge, Presiding

Submitted April 13, 2016**

Before: FARRIS, TALLMAN, and BYBEE, Circuit Judges.

Brian Scott Orr appeals from the district court's judgment and challenges his guilty-plea conviction and 37-month sentence for theft of government property, in violation of 18 U.S.C. § 641. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Orr's counsel has filed a brief stating that there are no grounds for relief,

* 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).

along with a motion to withdraw as counsel of record. Orr filed pro se a letter and supplemental brief raising several arguments that the court has considered.

Orr waived his right to appeal his conviction, with the exception of an appeal based on a claim that his plea was involuntary. Orr also waived the right to appeal five specified issues related to his sentence. Our independent review of the record pursuant to *Penon v. Ohio*, 488 U.S. 75, 80 (1988), discloses no arguable grounds for relief as to the voluntariness of Orr's plea or any sentencing issue outside the scope of the appeal waiver. We therefore affirm as to those issues. We grant the government's motion to 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).

We decline to address on direct appeal Orr's contention that his attorney was ineffective. *See United States v. Rahman*, 642 F.3d 1257, 1259-60 (9th Cir. 2011).

Orr's pending pro se motions are denied.

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

AFFIRMED in part; DISMISSED in part.