

DEC 19 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NOT FOR PUBLICATION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.

WALTER MITCHELL STEWART, Jr.,

Defendant-Appellant.

No. 15-30298

D.C. No. 1:12-cr-00086-SPW

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Susan P. Watters, District Judge, Presiding

Submitted December 14, 2016**

Before: WALLACE, LEAVY, and FISHER, Circuit Judges.

Walter Mitchell Stewart, Jr., appeals from the revocation of supervised release and seven-month sentence imposed upon revocation. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Stewart'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 Ninth Circuit Rule 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 grant Stewart's pro se motion to file a second, supplemental brief. We have considered Stewart's multiple pro se filings as well as the arguments raised in his motion to withdraw counsel. No answering brief has been filed.

Our independent review of the record pursuant to *Penon v. Ohio*, 488 U.S. 75, 80 (1988), discloses no arguable grounds for relief on direct appeal.

To the extent that Stewart seeks to raise a claim of ineffective assistance of counsel, we decline to address this issue on direct appeal. *See United States v. Rahman*, 642 F.3d 1257, 1259-60 (9th Cir. 2011).

Counsel's motion to withdraw is **GRANTED**. Stewart's pro se motion to withdraw counsel and to appoint new counsel is **DENIED**.

AFFIRMED.