

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 12 2018

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 17-10500

Plaintiff-Appellee,

D.C. No. 2:16-cr-00236-LRH

v.

MEMORANDUM*

CHARLES ELMER ROUSH,

Defendant-Appellant.

Appeal from the United States District Court
for the District of Nevada

Larry R. Hicks, District Judge, Presiding

Submitted July 10, 2018**

Before: CANBY, W. FLETCHER, and CALLAHAN, Circuit Judges.

Charles Elmer Roush appeals from the district court's judgment and challenges his guilty-plea conviction and 60-month sentence for violation of the Sexual Offender Registration and Notification Act, 18 U.S.C. § 2250(a). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Roush's counsel has filed a brief

* 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).

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

Roush waived his right to appeal his conviction and any aspect of his sentence other than his above-Guidelines custodial sentence and supervised release term. 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 custodial sentence or the term of supervision. 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.