

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 18 2019

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 18-30178

Plaintiff-Appellee,

D.C. No. 9:17-cr-00018-DLC

v.

MEMORANDUM*

RANDALL ALAN FRANZ,

Defendant-Appellant.

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

Submitted January 15, 2019**

Before: TROTT, TALLMAN, and CALLAHAN, Circuit Judges.

Randall Alan Franz appeals from the district court's judgment and challenges his guilty-plea conviction and eight-month sentence for concealment of assets in bankruptcy, in violation of 18 U.S.C. § 152(1). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Franz's counsel has filed a brief stating that there

* 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).

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

Franz waived his right to appeal his conviction and sentence. Our independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 80 (1988), discloses no arguable issue as to the validity of the waiver. *See United States v. Watson*, 582 F.3d 974, 986-88 (9th Cir. 2009). We accordingly dismiss the appeal. *See id.* at 988.

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

DISMISSED.