

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 29 2020

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

KENNETH WAYNE LITES, AKA Kenneth
Lites,

Defendant-Appellant.

No. 19-10145

D.C. No. 2:14-cr-00274-DGC-1

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
David G. Campbell, District Judge, Presiding

Submitted October 26, 2020**

Before: McKEOWN, RAWLINSON, and FRIEDLAND, Circuit Judges.

Kenneth Wayne Lites appeals from the revocation of supervised release and the 9-month sentence and 24-month term of supervised release imposed upon revocation. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Lites's counsel has filed a brief stating that there are no grounds for relief, along with a motion to

* 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).

withdraw as counsel of record. We have provided Lites the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

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

We decline to address on direct appeal Lites's claims of ineffective assistance of counsel, which he raised in the pro se notice of appeal. *See United States v. Rahman*, 642 F.3d 1257, 1259-60 (9th Cir. 2011).

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

AFFIRMED.