

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 7 2020

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

WILLIAM PATRICK KING,

Defendant-Appellant.

No. 19-30282

D.C. No. 3:17-cr-00082-SLG-1

MEMORANDUM*

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

Sharon L. Gleason, District Judge, Presiding

Submitted December 2, 2020**

Before: WALLACE, CLIFTON, and BRESS, Circuit Judges.

William Patrick King appeals from the district court's judgment and challenges his guilty-plea conviction and 420-month sentence for sexual exploitation of a child, in violation of 18 U.S.C. § 2251(a). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), King'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 King the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

King 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.

We remand, however, for the district court to consider striking from the judgment the potentially erroneous reference to 18 U.S.C. § 2260A, which may be inconsistent with the plea agreement.

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

DISMISSED; REMANDED with instructions.