

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 27 2021

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

ARTRELLE FRAGHER, AKA Richard Lee
Evans, AKA Fragher Smith, AKA Kenneth
Winzer,

Defendant-Appellant.

No. 20-10091

D.C. No. 3:18-cr-00517-CRB-1

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Charles R. Breyer, District Judge, Presiding

Submitted January 20, 2021**

Before: McKEOWN, CALLAHAN, and BRESS, Circuit Judges.

Artrelle Fragher appeals from the district court's judgment and challenges his guilty-plea convictions and concurrent 77-month sentences for three counts of possession with intent to distribute a controlled substance, and three counts 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).

distribution and possession with intent to distribute a controlled substance within 1,000 feet of a school, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(C), and 860(a). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Fragher's counsel has filed a brief stating that there are no grounds for relief, along with a motion to withdraw as counsel of record. Fragher has filed multiple pro se supplemental briefs. The government has filed an answering brief.

Fragher entered into a plea agreement that contained an appeal waiver. Assuming without deciding that the appeal waiver is not enforceable, 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. Fragher's pro se challenges to the district court's jurisdiction are unavailing. *See United States v. Marks*, 530 F.3d 799, 810 (9th Cir. 2008).

Counsel's motion to withdraw is **GRANTED**. All other pending motions and requests are **DENIED**.

AFFIRMED.