

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 29 2021

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 20-50249

Plaintiff-Appellee,

D.C. No. 2:87-cr-00886-TJH-2

v.

MICHAEL OWEN DEVAUGHN,

MEMORANDUM*

Defendant-Appellant.

Appeal from the United States District Court
for the Central District of California
Terry J. Hatter, Jr., District Judge, Presiding

Submitted June 21, 2021**

Before: SILVERMAN, WATFORD, and BENNETT, Circuit Judges.

Michael Owen DeVaughn appeals from the district court's judgment and challenges the revocation of supervised release, as well as the time-served sentence and six-month term of supervised release imposed upon revocation. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), DeVaughn's counsel has filed a brief stating that there are no grounds for relief, along with a motion to withdraw as

* 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).

counsel of record. DeVaughn has filed a pro se supplemental opening brief and the government has filed an answering brief.

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.

DeVaughn's pro se contention that the district court lacked jurisdiction over the supervised release revocation is unavailing, and his remaining pro se arguments are not supported by the record. To the extent DeVaughn seeks to raise a claim of ineffective assistance of counsel, we do not reach that claim on direct appeal. *See United States v. Rahman*, 642 F.3d 1257, 1259-60 (9th Cir. 2011).

DeVaughn's pro se requests to appoint substitute counsel and to submit further supplemental briefing are denied.

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

AFFIRMED.