

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 20 2022

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 21-10256

Plaintiff-Appellee,

D.C. No.

v.

2:17-cr-00176-JAD-VCF-1

ROBERT FOLSOM,

MEMORANDUM*

Defendant-Appellant.

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

Jennifer A. Dorsey, District Judge, Presiding

Submitted July 12, 2022**

Before: SCHROEDER, R. NELSON, and VANDYKE, Circuit Judges.

Robert Folsom appeals from the district court's judgment and challenges his guilty-plea conviction and 12-month-and-1-day sentence for possession with intent to distribute a controlled substance, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(C). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Folsom's

* 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 has filed a brief stating that there are no grounds for relief, along with a motion to withdraw as counsel of record. Folsom has filed a pro se supplemental brief. No 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 issue as to Folsom's conviction. The record does not support Folsom's pro se contention that his plea was not knowing and voluntary, or his other challenges to the validity of his conviction, and we do not reach on direct appeal his claims of ineffective assistance of counsel. *See United States v. Rahman*, 642 F.3d 1257, 1259-60 (9th Cir. 2011). Accordingly, we affirm Folsom's conviction.

Folsom waived his right to appeal his sentence. Because the record discloses no arguable issue as to the validity of the waiver, *see Penson*, 488 U.S. at 80, we dismiss Folsom's appeal of his sentence. *See United States v. Watson*, 582 F.3d 974, 986-88 (9th Cir. 2009).

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

AFFIRMED in part; DISMISSED in part.