

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 22 2023

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 23-50032

Plaintiff-Appellee,

D.C. No. 2:20-cr-00621-AB-4

v.

MEMORANDUM*

YAN FU, AKA Sharon,

Defendant-Appellant.

Appeal from the United States District Court
for the Central District of California
Andre Birotte, Jr., District Judge, Presiding

Submitted August 15, 2023**

Before: TASHIMA, S.R. THOMAS, and FORREST, Circuit Judges.

Yan Fu appeals from the district court's judgment and challenges her guilty-plea conviction, 20-month sentence, and restitution order for conspiracy to commit money laundering, in violation of 18 U.S.C. § 1956(a)(1)(B)(i), (h). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Fu's counsel has filed a brief stating

* 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).

that there are no grounds for relief, along with a motion to withdraw as counsel of record. We have provided Fu the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Fu waived her right to appeal her conviction, with the exception of an appeal based on a claim that her plea was involuntary. She also waived the right to appeal her sentence, with the exception of the court's restitution order and certain nonstandard supervised release conditions. Our independent review of the record pursuant to *Penon v. Ohio*, 488 U.S. 75, 80 (1988), discloses no arguable grounds for relief as to the voluntariness of Fu's plea, the restitution order, and all of the exempted supervised release conditions. We therefore affirm as to those issues. We dismiss the remainder of the appeal in light of the valid appeal waiver. *See United States v. Watson*, 582 F.3d 974, 988 (9th Cir. 2009).

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

AFFIRMED in part; DISMISSED in part.