

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 28 2025

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ALVIN PATES, AKA Al Noble,

Defendant - Appellant.

No. 24-1523

D.C. No.

3:20-cr-02204-CAB-1

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Cathy Ann Bencivengo, District Judge, Presiding

Submitted May 21, 2025**

Before: SILVERMAN, LEE, and VANDYKE, Circuit Judges.

Alvin Pates appeals from the district court's judgment and challenges his guilty-plea conviction and aggregate 41-month sentence for aiding and abetting bank fraud and aiding or assisting in the preparation of false returns in violation of 18 U.S.C. §§ 2, 1344(1), and 26 U.S.C. § 7206(2).

* 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).

Pates's counsel filed a brief under *Anders v. California*, 386 U.S. 738 (1967), stating that there are no non-frivolous arguments for appeal. Pates has not filed a pro se supplemental brief.

We affirm because our independent review of the record, *see Penson v. Ohio*, 488 U.S. 75, 80 (1988), including Pates's pro se submissions filed in the district court, discloses no non-frivolous arguments to be made on direct appeal. Contrary to Pates's arguments, the district court properly exercised jurisdiction in this case because bank fraud and assisting in the preparation of false returns are "offenses against the laws of United States." 18 U.S.C. § 3231. Moreover, in light of Pates's sworn statements at the plea hearing, the court did not abuse its discretion by denying his motion to withdraw his guilty plea. *See United States v. Ross*, 511 F.3d 1233, 1236-37 (9th Cir. 2008).

Counsel's motion to withdraw is granted.

AFFIRMED.