

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 5 2026

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MATTHEW R. SCHLEY,

Defendant - Appellant.

No. 25-2331

D.C. No.

2:22-cr-00166-JCC-1

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
John C. Coughenour, District Judge, Presiding

Submitted December 17, 2025**

Before: PAEZ, CHRISTEN, and KOH, Circuit Judges.

Matthew R. Schley appeals from the district court's judgment and challenges his guilty-plea conviction and 108-month sentence for possession of a controlled substance with intent to distribute in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B).

* 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).

Schley's counsel filed a brief under *Anders v. California*, 386 U.S. 738 (1967), stating that there are no non-frivolous arguments for appeal. Schley has filed a pro se supplemental brief.

In the plea agreement, Schley waived his right to appeal the conviction and sentence.

Our independent review of the record, *see Penson v. Ohio*, 488 U.S. 75, 80 (1988), discloses no non-frivolous issue as to whether the appeal waiver in Schley's plea agreement is enforceable. *See United States v. Watson*, 582 F.3d 974, 986-88 (9th Cir. 2009). We therefore dismiss the appeal. *See id.* at 988.

The record does not support Schley's pro se contention that his plea was not knowing and voluntary. Moreover, the sentence is within the 40-year statutory maximum. *See* 21 U.S.C. § 841(b)(1)(B). Schley's remaining sentencing arguments are barred by the appeal waiver. We decline to address on direct appeal Schley's pro se claim of ineffective assistance of counsel. *See United States v. Rahman*, 642 F.3d 1257, 1259-60 (9th Cir. 2011).

The clerk will maintain Docket Entry No. 24 under seal in accordance with Ninth Circuit Rule 27-13.

Counsel's motion to withdraw is granted. Schley's pro se requests to appoint new counsel and for a continuance are denied.

DISMISSED.