

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 27 2026

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LEVI ERIC NEWTON,

Defendant - Appellant.

No. 25-3865

D.C. No.

4:24-cr-00035-BMM-1

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Brian M. Morris, District Judge, Presiding

Submitted January 22, 2026**

Before: WARDLAW, CLIFTON, and R. NELSON, Circuit Judges.

Levi Eric Newton appeals from the district court's judgment and challenges his guilty-plea conviction and 124-month sentence for conspiracy to possess with intent to distribute and possession with intent to distribute a controlled substance in violation of 18 U.S.C. § 2 and 21 U.S.C. §§ 841(a)(1), 846.

* 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).

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

In the plea agreement, Newton 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 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.

Counsel's motion to withdraw is granted.

DISMISSED.