

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 20 2026

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DAJUAN SMITH,

Defendant - Appellant.

No. 25-3842

D.C. No.

2:16-cr-00279-TSZ-1

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Thomas S. Zilly, District Judge, Presiding

Submitted February 18, 2026**

Before: CALLAHAN, FRIEDLAND, and BRESS, Circuit Judges.

Dajuan Smith appeals from the district court's judgment revoking supervised release and imposing a 24-month sentence to run consecutively to Smith's state-court sentence, to be followed by a 4-month supervised release term.

Smith's counsel filed a brief under *Anders v. California*, 386 U.S. 738

* 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).

(1967), stating that there are no non-frivolous arguments for appeal. Smith has filed a pro se supplemental brief. The government has filed an answering brief.

Our independent review of the record, *see Penson v. Ohio*, 488 U.S. 75, 80 (1988), discloses no non-frivolous arguments to be made on direct appeal.

Smith's pro se contentions are unavailing. First, even assuming Smith lacked notice before the sentencing hearing that the government intended to seek a consecutive sentence, he was not entitled to receive such notice. *See Fed. R. Crim. P. 32.1(b)(2)*. Second, the sentence is substantively reasonable under the 18 U.S.C. § 3583(e) sentencing factors and the totality of the circumstances, including the nature and extent of the admitted violations. *See United States v. Taylor*, 153 F.4th 934, 943-44 (9th Cir. 2025). Finally, any challenge to the calculation of sentencing credits must first be addressed to the Bureau of Prisons and, if that request is denied, in a 28 U.S.C. § 2241 petition. *See United States v. Cabrera*, 83 F.4th 729, 740 (9th Cir. 2023).

Counsel's motion to withdraw is granted.

AFFIRMED.