

NOT FOR PUBLICATION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.

ANTHONY ROBERT CATALUSCI,

Defendant - Appellant.

No. 25-5096

D.C. No.

2:24-cr-00034-DWM-1

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Montana  
Donald W. Molloy, District Judge, Presiding

Submitted February 18, 2026\*\*

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

Anthony Robert Catalusci appeals from the district court's judgment and challenges his guilty-plea conviction and 63-month sentence for possession with intent to distribute methamphetamine in violation of 21 U.S.C. § 841(a)(1).

Catalusci'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. Catalusci has not filed a pro se supplemental brief.

In the plea agreement, Catalusci 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.**