

SEP 19 2012

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U.S. COURT OF APPEALS

## NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

FABIAN VAKSMAN,

Defendant - Appellant.

No. 11-30302

D.C. No. 2:11-cr-00074-WFN

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of Washington  
Wm. Fremming Nielsen, District Judge, Presiding

Submitted September 10, 2012\*\*

Before: WARDLAW, CLIFTON, and N.R. SMITH, Circuit Judges.

Fabian Vanksman appeals from his guilty-plea conviction and 10-month sentence for contempt of court, in violation of 18 U.S.C. § 401(3). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Vaksman's counsel has filed a brief stating there are no grounds for relief, along with a motion to withdraw as counsel

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

of record. We have provided Vaksman with the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Our independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 80 (1988), discloses no arguable grounds for relief on direct appeal. We dismiss in light of the valid appeal waiver. *See United States v. Nguyen*, 235 F.3d 1179, 1182 (9th Cir. 2000).

Vaksman's pro se request for appointment of substitute counsel, pro se motions for certification to the Washington Supreme Court, and pro se supplemental motions for certification to the Washington Supreme Court are **DENIED.**

Counsel's motion to withdraw is **GRANTED.**

**DISMISSED.**