

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 11 2017

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 16-10226

Plaintiff-Appellee,

D.C. No. 2:15-cr-01374-SPL

v.

MEMORANDUM*

MITCHELL CLAWSON,

Defendant-Appellant.

Appeal from the United States District Court
for the District of Arizona
Steven P. Logan, District Judge, Presiding

Submitted May 8, 2017**

Before: REINHARDT, LEAVY, and NGUYEN, Circuit Judges.

Mitchell Clawson appeals from the district court's judgment and challenges his guilty-plea conviction and 188-month sentence for abusive sexual contact, in violation of 18 U.S.C. §§ 1153, 2244(a)(5), and 2246(3). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Clawson's counsel has filed a brief stating that

* 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).

there are no grounds for relief, along with a motion to withdraw as counsel of record. We have provided Clawson the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Clawson waived his right to appeal his conviction and sentence. Our independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 80 (1988), discloses no arguable issue as to the validity of the waiver. *See United States v. Watson*, 582 F.3d 974, 986-88 (9th Cir. 2009). We accordingly dismiss the appeal. *See id.* at 988.

We remand the case to the district court with instructions to amend the judgment to add “CIR” to the description of the offense and delete the language “or with a vulnerable population (i.e. elderly or physically or mentally handicapped),” and “and victim(s) family” from special condition numbers seven and ten, respectively. *See United States v. Hernandez*, 795 F.3d 1159, 1169 (9th Cir. 2015) (remanding for the district court to make the written judgment consistent with the unambiguous oral pronouncement of sentence).

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

DISMISSED; REMANDED to correct the judgment.