

JAN 23 2017

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

CAROL LYNETTE PEARSON,

Defendant-Appellant.

No. 16-30056

D.C. No. 1:15-cr-00046-SPW

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Susan P. Watters, District Judge, Presiding

Submitted January 18, 2017**

Before: TROTT, TASHIMA, and CALLAHAN, Circuit Judges.

Carol Lynette Pearson appeals from the district court's judgment and challenges her guilty-plea conviction and 87-month sentence for conspiracy to possess with intent to distribute methamphetamine, in violation of 21 U.S.C. § 846. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Pearson's counsel has filed

* 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).

a brief stating that there are no grounds for relief, along with a motion to withdraw as counsel of record. We grant Pearson's motion to amend her supplemental brief to include an additional argument. We have considered Pearson's pro se supplemental briefs and the government's answering brief.

Our independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 80 (1988), discloses no arguable grounds for relief as to Pearson's conviction. We accordingly affirm Pearson's conviction.

Pearson waived the right to appeal her sentence. Because the record discloses no arguable issue as to the validity of the sentencing waiver, we dismiss Pearson's appeal as to her sentence. *See United States v. Watson*, 582 F.3d 974, 986-88 (9th Cir. 2009).

To the extent that Pearson seeks to raise a claim of ineffective assistance of counsel, we decline to address this issue on direct appeal. *See United States v. Rahman*, 642 F.3d 1257, 1259-60 (9th Cir. 2011).

Counsel's motion to withdraw is **GRANTED**. Pearson's pro se motion to withdraw current counsel and appoint new counsel is **DENIED**.

AFFIRMED in part; DISMISSED in part.