

APR 19 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NOT FOR PUBLICATION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.

SEAN PATRICK SCHRAMMECK,

Defendant-Appellant.

No. 16-30171

D.C. No. 9:16-cr-00003-DLC

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Dana L. Christensen, Chief Judge, Presiding

Submitted April 11, 2017**

Before: GOULD, CLIFTON, and HURWITZ, Circuit Judges.

Sean Patrick Schrammeck appeals from the district court's judgment and challenges his guilty-plea conviction and 60-month-and-one-day sentence for conspiracy to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and 846. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Schrammeck's

* 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).

counsel has filed a brief stating that there are no grounds for relief, along with a motion to withdraw as counsel of record. We have considered Schrammeck's pro se supplemental brief, which the Clerk is instructed to file. No 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 as to Schrammeck's conviction. We accordingly affirm Schrammeck's conviction.

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

In his pro se supplemental brief, Schrammeck contends that his trial counsel provided ineffective assistance. Schrammeck's claim, which is based on an alleged conflict of interest arising out of trial counsel's bar membership, is meritless.

Counsel's motion to withdraw is **GRANTED**. Schrammeck's pro se motion for appointment of new counsel and to stay these proceedings pending appointment of new counsel is **DENIED**.

AFFIRMED in part; DISMISSED in part.