

FILED

JUL 17 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NOT FOR PUBLICATION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.

TRACER CHO VANAK,

Defendant-Appellant.

No. 16-30184

D.C. No.

4:12-cr-00027-SEH-3

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Sam E. Haddon, District Judge, Presiding

Submitted July 13, 2017**

Before: HUG, FARRIS, and CANBY, Circuit Judges.

Tracer Chovanak appeals from the district court's order denying his Motion for Reduction of Sentence Pursuant to 18 U.S.C. § 3582. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Chovanak's counsel has filed a brief stating that there are no grounds for relief, along with a motion to withdraw as counsel of

* 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).

record. We have provided Chovanak 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.

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

AFFIRMED.