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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff-Appellee,</p> <p>v.</p> <p>EDDY DEAN BULLCALF,</p> <p>Defendant-Appellant.</p>
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No. 16-30275

D.C. No.
4:12-cr-00036-BMM-1

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Brian M. Morris, District Judge, Presiding

Submitted November 14, 2017**

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

Eddy Dean Bullcalf appeals the 324-month sentence imposed upon re-sentencing for two counts of aggravated sexual abuse, in violation of 18 U.S.C. §§ 1153(a) and 2241(c), and one count of abusive sexual contact with a child under the age of 12, in violation of 18 U.S.C. §§ 1153(a) and 2244(a)(1). Pursuant to

* 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).

Anders v. California, 386 U.S. 738 (1967), Bullcalf's counsel has filed a brief stating that there are no grounds for relief, along with a motion to withdraw as counsel of record. No pro se supplemental brief or answering brief has been filed.

We find not arguable issues among those noted in the *Anders* brief: the district court did not miscalculate or misapply the Guideline range; the evidence does not show that the criminal activity wholly preceded the adoption of the sentencing enhancement of U.S.S.G. § 5B1.5(b)(1); the sentence at the bottom of the Guideline range is not unreasonable. In addition, our independent review of the full record pursuant to *Penson v. Ohio*, 488 U.S. 75, 80 (1988), discloses no arguable grounds for relief.

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

AFFIRMED.