

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

NOV 22 2022

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

BRIAN DAVID WALKER, AKA Brian
Damien Walker Wraith,

Defendant-Appellant.

No. 21-10209

D.C. No. 2:20-cr-00839-DJH-1

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Diane J. Humetewa, District Judge, Presiding

Submitted November 15, 2022**

Before: CANBY, CALLAHAN, and BADE, Circuit Judges.

Brian David Walker appeals from the district court's judgment and challenges his guilty-plea conviction and 10-month sentence for failure to register as a sex offender, in violation of 18 U.S.C. § 2250(a). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Walker'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. Walker has filed a pro se supplemental brief. 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 on direct appeal. Contrary to Walker's pro se contention, application of § 2250(a) did not violate the Ex Post Facto Clause. *See United States v. Elkins*, 683 F.3d 1039, 1045 (9th Cir. 2012). In addition, by entering an unconditional guilty plea, Walker waived his right to bring his pro se challenges to the validity of the indictment and the denial of his motion to dismiss. *See Tollett v. Henderson*, 411 U.S. 258, 267 (1973). Walker's remaining pro se contentions are not supported by the record and are otherwise unavailing.

Counsel's motion to withdraw is **GRANTED**. Walker's pro se motion to strike the *Anders* brief, and all other pending motions, are denied.

AFFIRMED.