

DEC 22 2015

MOLLY C. DWYER, CLERK
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NOT FOR PUBLICATION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>FRANCIS E. CHANDLER, III,</p> <p>Defendant - Appellant.</p> |
|--|

No. 14-10238

D.C. No. 1:12-cr-01258-SOM-1

MEMORANDUM*

Appeal from the United States District Court
for the District of Hawaii
Susan Oki Mollway, Chief District Judge, Presiding

Submitted December 18, 2015**

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

Francis Chandler III appeals from the district court’s judgment and challenges the order of restitution and the sentence of 37 months in prison and three years supervised release for making a false claim against the United States, in violation of 18 U.S.C. § 287, and filing false retaliatory liens against government

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

officials, in violation of 18 U.S.C. § 1521. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Chandler's 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 provided Chandler the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Chandler waived the right to appeal his sentence, with the exception of his right to challenge the restitution order and the part of the judgment concerning supervised release. 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 as to the restitution order or supervised release. We therefore affirm as to those issues.

We dismiss the remainder of the appeal in light of the valid appeal waiver. *See United States v. Watson*, 582 F.3d 974, 986-88 (9th Cir. 2009).

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

AFFIRMED in part; **DISMISSED** in part.