

FILED

AUG 26 2016

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NOT FOR PUBLICATION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.

JASON MICHAEL TERPSTRA,

Defendant-Appellant.

No. 15-10375

D.C. No.
3:13-cr-08190-GMS-1

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
G. Murray Snow, District Judge, Presiding

Submitted August 24, 2016**

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

Jason Michael Terpstra appeals from the district court's judgment and challenges his guilty-plea conviction and 110-month sentence for being a felon in possession of firearms, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Terpstra's counsel has filed

* 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).

a brief stating that there are no grounds for relief, along with a motion to withdraw as counsel of record. We have provided Terpstra the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

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

We decline to review any ineffective assistance of counsel claims on direct appeal. *See United States v. Rahman*, 642 F.3d 1257, 1260 (9th Cir. 2011) (holding that we review ineffective assistance of counsel claims on direct appeal only in the unusual cases where the record is sufficiently developed or the legal representation is so obviously inadequate that it denies a defendant his Sixth Amendment right to counsel). We leave open the possibility that Terpstra might raise an ineffective assistance of counsel claim in collateral proceedings. *See id.*

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

DISMISSED.