

DEC 19 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NOT FOR PUBLICATION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.

AVERY JOSEPH HENDRICKS,

Defendant-Appellant.

No. 15-10484

D.C. No. 4:13-cr-01428-RCC

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Raner C. Collins, Chief Judge, Presiding

Submitted December 14, 2016**

Before: WALLACE, LEAVY, and FISHER, Circuit Judges.

Avery Joseph Hendricks appeals from the revocation of probation and 25-month sentence imposed upon revocation. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Hendricks'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

* 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).

provided Hendricks 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. Accordingly, we affirm the revocation and sentence.

We remand the case to the district court with instructions to correct the judgment to reflect that Hendricks admitted Allegations A and C, not Allegation B.

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

AFFIRMED; REMANDED to correct the judgment.