

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 16 2018

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 17-10316

Plaintiff-Appellee,

D.C. No. 1:11-cr-00317-JMS

v.

MEMORANDUM\*

EUGENE M. FULKS,

Defendant-Appellant.

Appeal from the United States District Court  
for the District of Hawaii  
J. Michael Seabright, Chief Judge, Presiding

Submitted February 13, 2018\*\*

Before: LEAVY, FERNANDEZ, and MURGUIA, Circuit Judges.

Eugene M. Fulks appeals from the district court's judgment and challenges the revocation of supervised release and six-month sentence imposed upon revocation. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Fulks's counsel has filed a brief stating that there are no grounds for relief, along with a motion to

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\* 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).

withdraw as counsel of record. We have provided Fulks 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.

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

**AFFIRMED.**