

NOT FOR PUBLICATION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. 17-50022

Plaintiff-Appellee,

D.C. No. 8:16-cr-00072-JLS

v.

MEMORANDUM*

BRIAN SCOTT BURDSALL,

Defendant-Appellant.

Appeal from the United States District Court
for the Central District of California
Josephine L. Staton, District Judge, Presiding

Submitted February 13, 2018**

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

Brian Scott Burdsall appeals from the district court's judgment and challenges his guilty-plea conviction and 27-month sentence for wire fraud, in violation of 18 U.S.C. § 1343. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Burdsall's counsel has filed a brief stating that there are no grounds for

* 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).

relief, along with a motion to withdraw as counsel of record. We have provided Burdsall the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Burdsall waived his right to appeal his conviction, with the exception of an appeal based on a claim that his plea was involuntary. He also waived the right to appeal most aspects of his sentence. Our independent review of the record pursuant to *Penon v. Ohio*, 488 U.S. 75, 80 (1988), discloses no arguable grounds for relief as to the voluntariness of Burdsall's plea or any aspects of the sentence that fall outside the scope of the waiver. 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, 988 (9th Cir. 2009).

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

AFFIRMED in part; DISMISSED in part.