

NOT FOR PUBLICATION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. 17-50090

Plaintiff-Appellee,

D.C. No. 2:13-cr-00159-MWF

v.

MEMORANDUM*

FREDRICK HAGEN,

Defendant-Appellant.

Appeal from the United States District Court
for the Central District of California
Michael W. Fitzgerald, District Judge, Presiding

Submitted February 13, 2018**

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

Fredrick Hagen appeals from the district court's judgment and challenges the revocation of probation and the 16-month sentence imposed upon revocation. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Hagen's counsel has filed a brief stating that there are no grounds for relief, along with a motion to withdraw

* 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).

as counsel of record. We have provided Hagen 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 the revocation of probation, rather than supervised release.

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

AFFIRMED; REMANDED to correct the judgment.