

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 23 2022

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 18-10018

Plaintiff-Appellee,

D.C. No.

2:16-cr-00058-APG-VCF-1

v.

PAUL DANIEL LOISEL,

MEMORANDUM*

Defendant-Appellant.

Appeal from the United States District Court
for the District of Nevada
Andrew P. Gordon, District Judge, Presiding

Submitted August 17, 2022**

Before: S.R. THOMAS, PAEZ, and LEE, Circuit Judges.

Paul Daniel Loisel appeals from the district court's judgment and challenges his guilty-plea convictions and aggregate 300-month sentence for five counts of interference with commerce by robbery and one count of discharge of a firearm during a crime of violence, in violation of 18 U.S.C. §§ 1851 and 924(c)(1)(A),

* 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).

respectively. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Loisel'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 provided Loisel the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Loisel waived his right to appeal his convictions and sentence. Our independent review of the record pursuant to *Penon v. Ohio*, 488 U.S. 75, 80 (1988), discloses no arguable issue as to the validity of the waiver. *See United States v. Goodall*, 21 F.4th 555 (9th Cir. 2021). However, the waiver is not enforceable as to the restitution order because, at the time of the waiver, Loisel was not provided with any estimate of the restitution amount. *See United States v. Tsosie*, 639 F.3d 1213, 1217-18 (9th Cir. 2011). As to that order, we affirm because our independent review of the record discloses no arguable grounds for relief concerning restitution. 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.