

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 22 2021

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 19-10443

Plaintiff-Appellee,

D.C. No. 3:19-cr-08014-SPL-1

v.

MEMORANDUM*

ANDREW AL LITTLEMAN,

Defendant-Appellant.

Appeal from the United States District Court
for the District of Arizona
Steven P. Logan, District Judge, Presiding

Submitted March 16, 2021**

Before: GRABER, R. NELSON, and HUNSAKER, Circuit Judges.

Andrew Al Littleman appeals from the district court's judgment and challenges his guilty-plea convictions and 57-month concurrent sentences for sexual abuse of a minor, in violation of 18 U.S.C. §§ 2243(a) and 2246(2)(C), and possession with intent to distribute methamphetamine, in violation of 21 U.S.C.

* 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).

§ 841(a)(1), (b)(1)(C). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Littleman’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 Littleman the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Littleman 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. Watson*, 582 F.3d 974, 986-88 (9th Cir. 2009). We accordingly dismiss the appeal. *See id.* at 988.

We remand, however, for the district court to conform the written judgment to the unambiguous oral pronouncement of sentence. *See United States v. Hernandez*, 795 F.3d 1159, 1169 (9th Cir. 2015). At sentencing, the district court agreed to strike “in the company of” from special condition of supervised release 11, and it did not include that language when it orally pronounced the condition. Accordingly, on remand, the district court is directed to strike from special condition 11 in the written judgment the following language: “be in the company of or.”

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

DISMISSED; REMANDED to correct the judgment.