

SEP 28 2007

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

THOMAS M. SCHNEPPER,

Defendant - Appellant.

No. 06-10338

D.C. No. CR-02-00062-ACK

MEMORANDUM*

Appeal from the United States District Court
for the District of Hawaii
Alan C. Kay, District Judge, Presiding

Submitted September 24, 2007**

Before: CANBY, TASHIMA and RAWLINSON, Circuit Judges.

Thomas M. Schnepfer appeals from the district court's order declining to resentence Schnepfer following remand pursuant to *United States v. Ameline*, 409 F.3d 1073 (9th Cir. 2005) (en banc).

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), counsel for Schnepfer has filed a brief stating there are no grounds for relief, and a motion to withdraw as counsel of record. No pro se or government brief has been filed.

Our independent review of the record pursuant to *Penon v. Ohio*, 488 U.S. 75, 83-84 (1988), discloses no grounds for relief.

Accordingly, counsel's motion to withdraw is **GRANTED**, and the district court's order is **AFFIRMED**.