

APR 21 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DANIEL NICHERIE,

Defendant - Appellant.

No. 07-50136

D.C. No. CR-05-01046-DSF-05

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
Dale S. Fischer, District Judge, Presiding

Submitted April 13, 2009\*\*

Before: GRABER, GOULD and BEA, Circuit Judges.

Daniel Nicherie appeals from the 54-month sentence imposed following his guilty-plea conviction for wire fraud, pension fraud, money laundering, and

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

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

interception of wire communications, in violation of 18 U.S.C. §§ 1027, 1343, 1956(a)(1)(B), and 2511(1)(a). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Nicherie's counsel has filed a brief stating there are no grounds for relief, along with a motion to withdraw as counsel of record. We have provided the appellant 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, 80-81 (1988), discloses no arguable grounds for relief on direct appeal.

Nicherie's pro se application for the appointment of an investigator and for other services is **DENIED**.

Counsel's motion to withdraw is **GRANTED**, and the district court's judgment is **AFFIRMED**.