

APR 22 2009

MOLLY C. DWYER, 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NOT FOR PUBLICATION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.

PHILIP JOHN FAMILIA, aka Phillip John
Familia, Phillip John Davidson,

Defendant - Appellant.

No. 06-50551

D.C. No. CR-03-00951-CBM-2

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Consuelo B. Marshall, District Judge, Presiding

Submitted April 13, 2009**

Before: GRABER, GOULD, and BEA, Circuit Judges.

Philip John Familia appeals from his guilty-plea conviction and 248-month sentence for conspiracy to distribute methamphetamine, in violation of

* 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).

21 U.S.C. § 846, possession of a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c), possession with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1), and felon in possession of a firearm and ammunition, in violation of 18 U.S.C. § 922(g)(1).

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Familia's counsel has filed a brief stating there are no arguable grounds for relief, along with a motion to withdraw as counsel of record. We have provided the appellant with 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. In addition, Familia waived his right to appeal his sentence in his written plea agreement.

Appellant's pro se motion to withdraw his request to file a pro se supplemental brief is denied as unnecessary.

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