

MAY 26 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NOT FOR PUBLICATION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.

MARLON R. LEE,

Defendant - Appellant.

No. 08-10387

D.C. No. 2:04-cr-00410-RLH

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Roger L. Hunt, District Judge, Presiding

Submitted May 12, 2009**

Before: PREGERSON, CANBY, and BERZON, Circuit Judges.

Marlon R. Lee appeals from the district court's denial of his motion to reduce his 120-month sentence pursuant to 18 U.S.C. § 3582(c)(2).

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Lee's counsel has

* 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).

filed a brief stating there are no arguable grounds for relief, along with a motion to withdraw as counsel of record. Appellant filed a pro se supplemental brief, and the government did not file an answering brief.

Our independent review of the record pursuant to *Penon v. Ohio*, 488 U.S. 75, 80-81 (1988), discloses no arguable grounds for relief on direct appeal.

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