

JUL 28 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NOT FOR PUBLICATION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.

ROSS PARKER,

Defendant - Appellant.

No. 08-30209

D.C. No. 1:02-CR-00014-JDS

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Jack D. Shanstrom, District Judge, Presiding

Submitted July 14, 2009**

Before: SCHROEDER, THOMAS, and WARDLAW, Circuit Judges.

Ross Parker appeals from the judgment revoking his supervised release and imposing a sentence of 24 months imprisonment and a term of supervised release.

* 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).

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Parker'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 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.

The record discloses that, during its oral pronouncement of sentencing, the district court imposed a term of supervised release of five years, less the time to be served in custody. *See* 18 U.S.C. § 3583(h). We remand to the district court with instructions to correct the judgment to accurately reflect the oral pronouncement of the sentence. *See United States v. Hicks*, 997 F.2d 594, 597 (9th Cir. 1993).

Accordingly, counsel's motion to withdraw is **GRANTED**, and the district court's judgment is **AFFIRMED**. The case is **REMANDED** for the limited purpose of correcting the judgment.