

SEP 03 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NOT FOR PUBLICATION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.

MARGARITO APRACIO-GARCIA,

Defendant - Appellant.

No. 06-30566

D.C. No. CR-04-05337-RBL

MEMORANDUM\*

Appeal from the United States District Court  
for the Western District of Washington  
Ronald B. Leighton, District Judge, Presiding

Submitted August 20, 2009\*\*

Before: WALLACE, HAWKINS, and THOMAS, Circuit Judges.

Margarito Apracio-Garcia appeals from his guilty-plea conviction and 114-month sentence for distribution of methamphetamine, in violation of 21 U.S.C.

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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).

§§ 841(a)(1) and (b)(1)(A), and possession of a firearm in furtherance of a drug trafficking offense, in violation of 18 U.S.C. § 924(c)(1)(A). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Apracio-Garcia'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.

Apracio-Garcia's motion for appointment of counsel is denied as moot. Counsel's motion to withdraw is **GRANTED**, and the district court's judgment is **AFFIRMED**.