

SEP 09 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NOT FOR PUBLICATION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.

ENRIQUE CHAVEZ-HERNANDEZ,

Defendant - Appellant.

No. 07-30058

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.

Enrique Chavez-Hernandez appeals from the 117-month sentence imposed following his guilty-plea conviction for conspiracy to distribute methamphetamine,

* 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).

in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Chavez-Hernandez'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.

We have received and reviewed counsel's response, filed on June 5, 2009, to the order to show cause filed on May 6, 2009. The order to show cause is discharged. Counsel's motion to withdraw is **GRANTED**, and the district court's judgment is **AFFIRMED**.