

SEP 30 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p style="text-align: center;">Plaintiff - Appellee,</p> <p>v.</p> <p>ROLAND ADAMS,</p> <p style="text-align: center;">Defendant - Appellant.</p>
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No. 07-10382

D.C. No. CR-02-00257-EJG

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Edward J. Garcia, District Judge, Presiding

Submitted September 14, 2009**

Before: SILVERMAN, RAWLINSON, and CLIFTON, Circuit Judges.

Roland Adams appeals from the district court’s order, upon remand, in which it ruled that \$199,670.15 was subject to forfeiture, and in which it denied

* 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).

several post-conviction motions. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Adams' counsel has filed a brief stating there are no grounds for relief, along with a motion to withdraw as counsel of record. The appellant has filed a pro se supplemental brief and several pro se motions. The government has filed an answering brief.

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 related to the forfeiture.

We lack jurisdiction to reach the contentions raised in Adams' pro se brief regarding his conviction and sentence because the district court's order directing him to raise those issues in a 28 U.S.C. § 2255 motion is not an appealable final decision. *See* 28 U.S.C. § 1291.

The appellant's pending motions are **DENIED**.

Counsel's motion to withdraw is **GRANTED**, and the district court's order is **AFFIRMED**. However, we **REMAND** to the district court for the limited purpose of correcting the amended judgment to clarify that it incorporates the amended preliminary order of forfeiture, filed June 5, 2007, rather than the original order, filed October 10, 2003.