

OCT 09 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NOT FOR PUBLICATION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.

APOLINAR GUEVARA-TEJADA,

Defendant - Appellant.

No. 08-30364

D.C. No. 2:08-cr-00080-JLR

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
James L. Robart, District Judge, Presiding

Submitted September 14, 2009**

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

Apolinar Guevara-Tejada appeals from the 60-month sentence imposed following his guilty-plea conviction for conspiracy to distribute cocaine and heroin, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B). Pursuant to *Anders v.*

* 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).

California, 386 U.S. 738 (1967), Guevara-Tejada's counsel has filed a brief stating there are no grounds for relief, along with a motion to withdraw as counsel of record. Guevara-Tejada has filed a motion for leave to file out of time a supplemental brief. That motion is granted, the brief is deemed filed, and the court has considered Guevara-Tejada's pro se supplemental 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.

Accordingly, counsel's motion to withdraw is **GRANTED**, and the district court's judgment is **AFFIRMED**.