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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NOT FOR PUBLICATION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 style="text-align: center;">v.</p> <p>CESAR S. CONTRERAS,</p> <p style="text-align: center;">Defendant - Appellant.</p>
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No. 08-30274

D.C. No. 2:02-cr-02078-FVS

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of Washington  
Fred L. Van Sickle, District Judge, Presiding

Submitted October 13, 2009\*\*

Before: B. FLETCHER, LEAVY, and RYMER, Circuit Judges.

Cesar S. Contreras appeals from the 120-month sentence imposed following modification pursuant to 18 U.S.C. § 3582(c)(2). Pursuant to *Anders v. California*,

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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).

386 U.S. 738 (1967), Contreras' 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. However, the appellant has filed a motion opposing the motion to withdraw and, alternatively, requesting appointment of new counsel.

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 appellant's motion is **DENIED**.

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