

DEC 14 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NOT FOR PUBLICATION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.

MELVIN NAKATSUKASA BASA,

Defendant - Appellant.

No. 08-10273

D.C. No. 1:99-cr-00050-ARM

MEMORANDUM*

Appeal from the United States District Court
for the District of the Northern Mariana Islands
Alex R. Munson, Chief District Judge, Presiding

Submitted November 17, 2009**

Before: ALARCÓN, TROTT, and TASHIMA, Circuit Judges.

Melvin Nakatsukasa Basa appeals from his sentence of 7 months in prison and 53 months supervised release imposed upon revocation of supervised release.

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Basa’s counsel has filed a

* 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).

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.

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 deny the government's motion to dismiss for failure to prosecute.

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