

DEC 23 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NOT FOR PUBLICATION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.

RICK MENDOZA,

Defendant - Appellant.

No. 08-30238

D.C. No. 2:06-cr-00124-LRS

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of Washington
Lonny R. Suko, Chief District Judge, Presiding

Submitted December 15, 2009**

Before: GOODWIN, WALLACE, and FISHER, Circuit Judges.

Rick Mendoza appeals from his guilty-plea conviction for conspiracy to distribute 500 grams or more of a mixture or substance containing a detectable

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

amount of methamphetamine and 500 grams or more of a mixture or substance containing a detectable amount of cocaine, in violation of 21 U.S.C. §§ 841(a)(1) and 846. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Mendoza's counsel has filed a brief stating there are no grounds for relief, along with a motion to withdraw as counsel of record. Mendoza has filed a pro se supplemental brief, and 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.

Accordingly, counsel's motion to withdraw is **GRANTED**, and the district court's judgment is **AFFIRMED**. However, we **REMAND** to the district court for the limited purpose of correcting the judgment to clarify that Mendoza was convicted of violating 21 U.S.C. §§ 841(a)(1) and 846.