

JAN 13 2010

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NOT FOR PUBLICATION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.

HUSAM SAMARAH,

Defendant - Appellant.

No. 07-50206

D.C. No. CR-02-00128-MLR

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Manuel L. Real, District Judge, Presiding

Submitted December 15, 2009**

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

Husam Samarah appeals from the 87-month sentence reimposed following a limited remand pursuant to *United States v. Ameline*, 409 F.3d 1073, 1079 (9th Cir.

* 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).

2005) (en banc). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Samarah's counsel has filed a brief stating there are no grounds for relief, along with a motion to withdraw as counsel of record. Samarah has filed a pro se supplemental opening brief and reply 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.

Samarah's pro se motion for admission of new evidence is **DENIED**.

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