

JAN 25 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NOT FOR PUBLICATION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.

DASHON LAVAR RICHARDSON,

Defendant - Appellant.

No. 08-50453

D.C. No. 2:08-cr-00322-R

MEMORANDUM*

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

Submitted January 11, 2010**

Before: BEEZER, TROTT, and BYBEE, Circuit Judges.

Dashon Lavar Richardson appeals from his guilty-plea conviction and 168-month sentence for distribution of cocaine base in the form of crack cocaine, in

* 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).

violation of 21 U.S.C. § 841(a)(1). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Richardson’s counsel has filed a brief stating there are no grounds for relief, along with a motion to withdraw as counsel of record. The appellant has filed a pro se supplemental brief and a pro se motion to “consolidate issues and facts within his motion.” The government has filed a motion to summarily affirm the conviction and dismiss the appeal for lack of jurisdiction.

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 government’s motion is **DENIED**. See *United States v. Jacobo Castillo*, 496 F.3d 947, 957 (9th Cir. 2007) (en banc). The appellant’s pro se motion is also **DENIED**.

Counsel’s motion to withdraw is **GRANTED**, and the district court’s judgment is **AFFIRMED**. However, we **REMAND** sua sponte for the limited purpose of correcting the judgment to reflect that the term of supervised release is five years for Count 4 and three years for Count 7, to run concurrently. See 18 U.S.C. § 3583(b); 21 U.S.C. § 841(b)(1)(B)-(C).