

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAR 04 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOSE ANTONIO RANGEL-AGUILLAR,

Defendant - Appellant.

No. 08-10469

D.C. No. 2:06-cr-00341-RCJ

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Robert Clive Jones, District Judge, Presiding

Submitted February 16, 2010**

Before: FERNANDEZ, GOULD, and M. SMITH, Circuit Judges.

Jose Antonio Rangel-Aguillar appeals from his guilty-plea conviction and 150-month sentence for possession of a controlled substance with intent to distribute and aiding and abetting, in violation of 21 U.S.C. § 841(a)(1),

* 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).

(b)(1)(A)(viii) and 18 U.S.C. § 2. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Rangel-Aguillar's 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.

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.

However, we remand for the limited purpose of correcting the judgment to identify the counts of conviction as count 2.

Counsel's motion to withdraw is **GRANTED**, the conviction and sentence are **AFFIRMED**, and the case is **REMANDED** for the limited purpose of correcting the judgment.