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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOEL K. PARKER,

Defendant - Appellant.

No. 09-10108

D.C. No. 2:06-CR-00109-PMP

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Philip M. Pro, District Judge, Presiding

Submitted February 16, 2010**

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

Joel K. Parker appeals from the district court's order denying his pro se motion to dismiss his indictment on double jeopardy and collateral estoppel

* 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).

grounds. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Parker’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. The government has not filed an answering brief.

Our review of the record indicates that we lack jurisdiction over this interlocutory appeal because Parker failed to raise a “colorable” double jeopardy claim. *See, e.g., United States v. Bhatia*, 545 F.3d 757, 759 (9th Cir. 2008); *see also United States v. Zone*, 403 F.3d 1101, 1104 (9th Cir. 2005) (per curiam). Accordingly, counsel’s motion to withdraw in this appeal is **GRANTED**, and the appeal is **DISMISSED**.