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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff - Appellee,</p> <p>v.</p> <p>JOHNNY RAY GASCA; et al.,</p> <p>Defendants - Appellants.</p>
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Nos. 06-50686 & 06-50688

D.C. No. CR-03-00419-DDP
CR-05-00359-DDP

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Dean D. Pregerson, District Judge, Presiding

Submitted February 16, 2010**

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

In these consolidated appeals, Johnny Ray Gasca appeals from his jury-trial convictions and 84-month sentence imposed for escape from custody in violation of 18 U.S.C. § 751(a); falsely representing a social security number in violation of

* 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).

42 U.S.C. § 408(a)(7)(B); interstate communication of a threat, in violation of 18 U.S.C. § 875(d); witness retaliation, in violation of 17 U.S.C. § 506(a)(1) and 18 U.S.C. § 2319(b)(3); and criminal infringement of a copyright 17 U.S.C. § 506(a)(1) and 18 U.S.C. § 2319(b)(3).

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Gasca'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.

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