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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NOT FOR PUBLICATION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>TOMAS GONZALEZ ROLDAN,</p> <p>Defendant - Appellant.</p>

No. 08-30307

D.C. No. 1:07-cr-00271-EJL

MEMORANDUM*

Appeal from the United States District Court
for the District of Idaho
N. Randy Smith, Circuit Judge, Presiding

Submitted March 16, 2010**

Before: SCHROEDER, PREGERSON, and RAWLINSON, Circuit Judges.

Tomas Gonzalez Roldan appeals from his jury-trial conviction and concurrent 120-month sentences for conspiracy and attempted distribution of methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1)(A), 846; and possession

* 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).

with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1)(A), (b)(1)(A).

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Gonzalez Roldan'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 the opportunity to file a pro se supplemental brief. No pro se supplemental brief has been filed, however 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.

Accordingly, counsel's motion to withdraw is **GRANTED**, Roldan's pro se motion for appointment of new counsel is **DENIED**, and the district court's judgment is **AFFIRMED**.