

AUG 02 2010

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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NOT FOR PUBLICATION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>FIORINDO CORTESI,</p> <p>Defendant - Appellant.</p>

No. 08-10546

D.C. No. 1:08-cr-00272-OWW

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Oliver W. Wanger, District Judge, Presiding

Submitted July 19, 2010**

Before: B. FLETCHER, REINHARDT, and WARDLAW, Circuit Judges.

Fiorindo Cortesi appeals from his bench trial conviction and sentence for interference with agency function, in violation of 36 C.F.R. § 2.32(a)(1).

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Cortesi’s counsel has filed a brief stating there are no grounds for relief, along with a motion to withdraw

* 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).

as counsel of record. By order filed October 5, 2009, we have provided Cortesi the opportunity to file a pro se supplemental brief. Counsel advises that he has been unable to locate Cortesi or serve him with this court's order. 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**.