

SEP 27 2010

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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NOT FOR PUBLICATION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.

JOSE DE JESUS GARCIA,

Defendant - Appellant.

No. 09-30089

D.C. No. 2:05-cr-00192-WFN

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of Washington
Wm. Fremming Nielsen, District Judge, Presiding

Submitted September 13, 2010**

Before: SILVERMAN, CALLAHAN, and N.R. SMITH, Circuit Judges.

Jose De Jesus Garcia appeals from his guilty-plea conviction and 70-month concurrent sentence for conspiracy to distribute 500 grams or more of a mixture or substance containing cocaine, and conspiracy to launder monetary instruments, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B)(ii), and § 1956(a)(1) and (h).

* 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).

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Garcia'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 considered the claims raised by Garcia in his pro se supplemental opening brief submitted on March 24, 2010. We have further considered the government's answering brief and Garcia's pro se reply 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**, and the district court's judgment is **AFFIRMED**.