

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

DEC 27 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

EDUARDO JOSE MENDIZABAL,

Defendant - Appellant.

No. 09-50450

D.C. No. 2:08-cr-00549-GHK

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
George H. King, District Judge, Presiding

Submitted December 14, 2010**

Before: GOODWIN, WALLACE, and THOMAS, Circuit Judges.

Eduardo Jose Mendizabal appeals from his guilty-plea conviction and 48-month sentence for possession of child pornography, in violation of 18 U.S.C. § 2252A(a)(5)(B). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Mendizabal's counsel has filed a brief stating there are no grounds for relief, along

* 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 a motion to withdraw as counsel of record. Counsel also filed a motion for miscellaneous relief. 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**.

We grant counsel's January 27, 2010, motion for miscellaneous relief.