

MAR 08 2011

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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NOT FOR PUBLICATION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.

HECTOR DANIEL GARCIA, a.k.a. Gato,  
a.k.a. Hector Perez, a.k.a. Hector Tanyo  
Perez,

Defendant - Appellant.

No. 09-50518

D.C. No. 2:02-cr-00814-DDP

MEMORANDUM\*

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

Submitted February 15, 2011\*\*

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

Hector Daniel Garcia appeals from the district court's order denying his 18 U.S.C. § 3582(c)(2) motion for reduction of sentence. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Garcia's counsel has filed a brief stating there are

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\* 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).

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. We have considered the issues raised by Garcia in his pro se supplemental brief. We have also considered the answering brief submitted by the government.

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**.