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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NOT FOR PUBLICATION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 style="text-align: center;">Plaintiff - Appellee,</p> <p>v.</p> <p>ZEDEKIAH SYKES, a.k.a. Rickie Darnell Sykes,</p> <p style="text-align: center;">Defendant - Appellant.</p>

No. 09-30340

D.C. No. 3:08-cr-00421-MA

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Malcolm F. Marsh, Senior District Judge, Presiding

Submitted March 8, 2011**

Before: FARRIS, LEAVY, and BYBEE, Circuit Judges.

Zedekiah Sykes appeals from the district court’s order denying what he calls his motion for reconsideration of the court’s denial of pre-release prior to service of sentence. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Sykes’

* 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).

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 with the opportunity to file a pro se supplemental brief. Sykes has filed two pro se briefs and 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. To the extent Sykes seeks to raise challenges to his conviction, we dismiss in light of the valid and enforceable appeal waiver. *See United States v. Nguyen*, 235 F.3d 1179, 1182 (9th Cir. 2000).

Accordingly, counsel's motion to withdraw is **GRANTED**, and the appeal is **DISMISSED**.