

JUN 08 2011

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ISAAC ALCAUTER BARAJAS, a.k.a.
Isaac Barajas Alcauter,

Defendant - Appellant.

No. 09-30085

D.C. No. 2:08-CR-06008-EFS

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of Washington
Edward F. Shea, District Judge, Presiding

Submitted May 24, 2011**

Before: PREGERSON, THOMAS, and PAEZ, Circuit Judges.

Isaac Alcauter Barajas appeals from his guilty-plea conviction and 120-month sentence for distribution of a controlled substance, methamphetamine, in violation of 21 U.S.C. § 841(a)(1). Pursuant to *Anders v. California*, 386 U.S.

* 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).

738 (1967), Barajas's counsel has filed a brief stating there are no grounds for relief, along with a motion to withdraw as counsel of record. The appellant has filed a pro se supplemental brief and the government has filed an answering brief. We have considered both.

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 Barajas raises a claim of ineffective assistance of counsel, we decline to address it on direct appeal. *See United States v. McKenna*, 327 F.3d 830, 845 (9th Cir. 2003).

Counsel's motion to withdraw is **GRANTED**, and the district court's judgment is **AFFIRMED**.