

FEB 23 2012

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NOT FOR PUBLICATION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.

MANUEL DE JESUS RUAN-ROCHIN,
a.k.a. Manuel Ruan-Rochin,

Defendant - Appellant.

No. 10-10580

D.C. No. 4:09-cr-01120-DCB

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
David C. Bury, District Judge, Presiding

Submitted February 21, 2012**

Before: FERNANDEZ, McKEOWN, and BYBEE, Circuit Judges.

Manuel de Jesus Ruan-Rochin appeals from the 60-month sentence imposed following his guilty-plea conviction for possession with intent to distribute approximately 1,601 kilograms of marijuana, in violation of 21 U.S.C.

* 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).

§§ 841(a)(1) and 841(b)(1)(A)(vii). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Ruan-Rochin'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 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. We dismiss in light of the valid appeal waiver. *See United States v. Nguyen*, 235 F.3d 1179, 1182 (9th Cir. 2000).

The motion to file a corrected brief is granted. The amended brief received on December 2, 2011, is deemed filed.

Counsel's motion to withdraw is **GRANTED**.

DISMISSED.