

APR 25 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NOT FOR PUBLICATION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.

ANTONIO CASTRO-GUZMAN, a.k.a.
Anthony Castro, Jr., a.k.a. Anthony
Guzman,

Defendant - Appellant.

No. 11-50029

D.C. No. 8:04-cr-00205-JVS

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
James V. Selna, District Judge, Presiding

Submitted April 17, 2012**

Before: LEAVY, PAEZ, and BEA, Circuit Judges.

Anthony Castro-Guzman appeals from the district court's judgment
revoking his supervised release and the 12-month and one-day sentence imposed

* 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).

upon revocation. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Castro-Guzman's counsel has filed a brief stating that there are no grounds for relief, along with a motion to withdraw as counsel of record. We have provided Castro-Guzman 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 are in receipt of Castro-Guzman's letter dated January 10, 2012. To the extent he wishes to assert a claim of ineffective assistance of counsel, we decline to address it on direct appeal as the record is insufficiently developed and his legal representation was not so inadequate that it can be concluded at this point that he was denied his Sixth Amendment right to counsel. See *United States v. McKenna*, 327 F.3d 830, 845 (9th Cir. 2003) ("Claims of ineffective assistance of counsel are generally inappropriate on direct appeal.").

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

AFFIRMED.