

JUL 19 2012

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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NOT FOR PUBLICATION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>Plaintiff - Appellee,</p> <p>v.</p> <p>IVAN VERDUSCO-COTA,</p> <p>Defendant - Appellant.</p>
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No. 11-10302

D.C. No. 4:09-cr-01996-DCB

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
W. Fremming Nielsen, District Judge, Presiding

Submitted July 17, 2012**

Before: SCHROEDER, THOMAS, and SILVERMAN, Circuit Judges.

Ivan Verdusco-Cota appeals from his guilty-plea conviction and 60-month sentence for conspiracy to possess with intent to distribute heroin, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B)(i), and 846; and possession with intent to

* 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).

distribute heroin, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B)(i). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Verduco-Cota'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 Verduco-Cota 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.

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

AFFIRMED.