

SEP 13 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NOT FOR PUBLICATION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>RODOLFO DUARTE,</p> <p>Defendant - Appellant.</p>
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No. 10-50303

D.C. No. 3:09-cr-03844-JAH

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
John A. Houston, District Judge, Presiding

Submitted September 10, 2012**

Before: WARDLAW, CLIFTON, and N.R. SMITH, Circuit Judges.

Rodolfo Duarte appeals from his jury-trial conviction and 12-month sentence for importation of marijuana, in violation of 21 U.S.C. §§ 952 and 960; and for possession of marijuana with intent to distribute, 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). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Duarte'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 Duarte 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 (1988), discloses no arguable grounds for relief on direct appeal.

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

AFFIRMED.