

SEP 19 2012

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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| <p>UNITED STATES OF AMERICA,</p> <p>Plaintiff - Appellee,</p> <p>v.</p> <p>MAXIE A. MOORE,</p> <p>Defendant - Appellant.</p> |
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No. 11-30336

D.C. No. 2:09-cr-00239-RBL

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Ronald B. Leighton, District Judge, Presiding

Submitted September 10, 2012**

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

Maxie A. Moore appeals from the district court’s amended judgment issued following this court’s remand in *United States v. Moore*, 449 Fed. Appx. 677 (9th Cir. 2011) (unpublished). Pursuant to *Anders v. California*, 386 U.S. 738 (1967),

* 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).

Moore's counsel has filed a brief stating there are no grounds for relief, along with a motion to withdraw as counsel of record. Moore filed a pro se supplemental brief. No 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.

Accordingly, counsel's motion to withdraw is **GRANTED**.

AFFIRMED.

Moore's motion for appointment of new counsel, received on April 20, 2012, is **DENIED**.