

OCT 16 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NOT FOR PUBLICATION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.

DONNELL HATCHER, a.k.a. D, a.k.a.
Darnell,

Defendant - Appellant.

No. 11-10211

D.C. No. 3:92-cr-00001-WBS

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
William B. Shubb, District Judge, Presiding**

Submitted October 9, 2012***

Before: RAWLINSON, MURGUIA, and WATFORD, Circuit Judges.

Donnell Hatcher appeals from his guilty-plea conviction and 240-month

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The Honorable William B. Shubb, Senior United States District Judge for the Eastern District of California, sitting by designation.

*** The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

sentence for possession with intent to distribute heroin, in violation of 21 U.S.C. § 841(a)(1). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Hatcher'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 Hatcher 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.