

DEC 18 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOSE LUIS RODRIGUEZ, a.k.a. Severo Hernandez, a.k.a. Celestino Ayala Perez, a.k.a. Jose Luis Morfin Rodriguez, a.k.a. Severo Hernandez Rodriguez,

Defendant - Appellant.

No. 11-50410

D.C. No. 2:10-cr-00583-AHM

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
A. Howard Matz, District Judge, Presiding

Submitted December 17, 2013\*\*

Before: GOODWIN, WALLACE, and GRABER, Circuit Judges.

Jose Luis Rodriguez appeals from the district court’s judgment and challenges his jury-trial conviction and 240-month sentence for two counts of

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\* 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).

distribution of methamphetamine, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A) (viii). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Rodriguez's counsel has filed a brief stating that there are no grounds for relief, along with a motion to withdraw as counsel of record. Rodriguez filed a pro se supplemental opening brief, the government filed an answering brief, and Rodriguez filed a pro se reply brief.

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. We decline to address Rodriguez's claim of ineffective assistance of counsel on direct appeal. *See United States v. McKenna*, 327 F.3d 830, 845 (9th Cir. 2003).

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

**AFFIRMED.**