

JUL 28 2014

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NOT FOR PUBLICATION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.

JAMES FRANK BERRY, a.k.a. James
Berry, a.k.a. Jim Berry, a.k.a. Jim F. Berry,
a.k.a. Jim Frank Berry, a.k.a. Thomas
Joseph Moran, a.k.a. Alexander Randall,

Defendant - Appellant.

Nos. 12-50380

13-50403

D.C. No. 8:07-cr-00127-DOC

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
David O. Carter, District Judge, Presiding

Submitted July 22, 2014**

Before: GOODWIN, CANBY, and CALLAHAN, Circuit Judges.

In these consolidated appeals, James Frank Berry appeals from the district court's 2012 judgment revoking supervised release and imposing an 11-month

* 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).

sentence, and the 2013 judgment revoking supervised release and imposing an 18-month sentence. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Berry's counsel has filed a brief stating that there are no grounds for relief, along with a motion to withdraw as counsel of record. We have provided Berry 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.