

OCT 6 2014

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

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

FOR THE NINTH CIRCUIT

<p>DANIEL BISHER, a.k.a. Dan Bisher, a.k.a. Daniel W. Bisher, a.k.a. Daniel William Bisher, a.k.a. T.S. Bisher, a.k.a. Clint Griffin,</p> <p style="text-align: center;">Petitioner - Appellant,</p> <p style="text-align: center;">v.</p> <p>UNITED STATES OF AMERICA,</p> <p style="text-align: center;">Respondent - Appellee.</p>

No. 13-35701

D.C. Nos. 2:12-cv-00250-EJL
2:10-cr-00206-EJL

MEMORANDUM*

Appeal from the United States District Court
for the District of Idaho
Edward J. Lodge, District Judge, Presiding

Submitted September 23, 2014**

Before: W. FLETCHER, RAWLINSON, and CHRISTEN, Circuit Judges.

Daniel Bisher appeals from the district court’s order denying his 28 U.S.C.
§ 2255 motion. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Bisher’s

* 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).

counsel has filed a brief stating that there are no grounds for relief, along with a motion to withdraw as counsel of record. Bisher has 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. This court has concluded that the Controlled Substances Act does not violate the Tenth Amendment, *see Raich v. Gonzales*, 500 F.3d 850, 869 (9th Cir. 2007), and has rejected challenges to the constitutionality of Title 21, *see United States v. Kim*, 94 F.3d 1247, 1250 & n.3 (9th Cir. 1996). This court has also rejected challenges to the constitutionality of 18 U.S.C. § 922(g)(1). *See United States v. Polanco*, 93 F.3d 555, 563 (9th Cir. 1996).

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

AFFIRMED.