

OCT 6 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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,

Petitioner - Appellant,

v.

UNITED STATES OF AMERICA,

Respondent - Appellee.

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

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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).

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 *Penon 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.**