

DEC 16 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NOT FOR PUBLICATION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.

RAPHAEL CARRASCO, a.k.a. Rafael
Carrasco,

Defendant - Appellant.

No. 13-50423

D.C. No. 2:12-cr-00730-ODW

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Otis D. Wright, II, District Judge, Presiding

Submitted December 9, 2014**

Before: WALLACE, LEAVY, and BYBEE, Circuit Judges.

Raphael Carrasco appeals from the district court’s judgment and challenges the 135-month sentence imposed following his guilty-plea conviction for conspiracy to distribute methamphetamine, in violation of 21 U.S.C. § 846.

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Carrasco’s counsel has filed

* 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).

a brief stating that there are no grounds for relief and has moved to withdraw as counsel of record. We have provided Carrasco 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; therefore, we affirm the sentence. The record reflects that Carrasco pleaded guilty only to conspiracy to distribute methamphetamine, in violation of 21 U.S.C. § 846. Accordingly, we remand the case to the district court with instructions that it delete from the judgment the reference to heroin.

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

AFFIRMED; REMANDED for correction of the judgment.