

MAY 18 2015

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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## NOT FOR PUBLICATION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.

DARRYL BURTON,

Defendant - Appellant.

No. 13-10612

D.C. No. 1:85-cr-00205-LJO

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of California  
Lawrence J. O'Neill, District Judge, Presiding

Submitted May 13, 2015\*\*

Before: LEAVY, CALLAHAN, and M. SMITH, Circuit Judges.

Darryl Burton appeals from the district court's order denying his motion to correct his sentence under Federal Rule of Criminal Procedure 35(a). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Burton's counsel has filed a brief stating that there are no grounds for relief, along with a motion to withdraw as

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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 of record. Burton has filed a pro se supplemental opening 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 on appeal.

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

**AFFIRMED.**