

FEB 29 2016

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NOT FOR PUBLICATION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.

INDALECIO CASTRO-PONCE, a.k.a.
Chito,

Defendant - Appellant.

No. 15-10164

D.C. No. 2:12-cr-01363-SRB

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Susan R. Bolton, District Judge, Presiding

Submitted February 24, 2016**

Before: LEAVY, FERNANDEZ, and RAWLINSON, Circuit Judges.

Indalecio Castro-Ponce appeals from the district court's judgment and challenges the 216-month sentence imposed upon resentencing, following his jury-trial conviction for conspiracy to possess with intent to distribute

* 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).

methamphetamine and possession with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(A)(viii). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Castro-Ponce's counsel has filed a brief stating that there are no grounds for relief, along with a motion to withdraw as counsel of record. Castro-Ponce 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 on direct appeal. We do not consider Castro-Ponce's pro se challenges to his conviction, which was previously affirmed by this court. *See United States v. Castro-Ponce*, No. 13-10377, 2014 WL 5421584 (9th Cir. Oct. 24, 2014).

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

AFFIRMED.