

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 22 2019

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 18-10378

Plaintiff-Appellee,

D.C. No. 2:12-cr-00185-TLN-3

v.

MEMORANDUM*

ROBERT CARRILLO, AKA Robert
Carillo,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of California
Troy L. Nunley, District Judge, Presiding

Submitted August 19, 2019**

Before: SCHROEDER, PAEZ, and HURWITZ, Circuit Judges.

Robert Carrillo appeals interlocutorily the district court's order denying his motion to enjoin prosecution or dismiss the indictment for violation of a congressional appropriations rider, which he contends prohibits the Department of Justice from spending funds to prosecute him. We have jurisdiction under 28

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

U.S.C. § 1292(a)(1). *See United States v. McIntosh*, 833 F.3d 1163, 1170-72 (9th Cir. 2016).

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Carrillo’s counsel has filed a brief stating that there are no grounds for relief, along with a motion to withdraw as counsel of record. We have provided Carrillo 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 *Penon v. Ohio*, 488 U.S. 75, 80 (1988), discloses no arguable grounds for relief on appeal. *See United States v. Evans*, 929 F.3d 1073, 1077 (9th Cir. 2019) (to enjoin a marijuana prosecution, defendant must show “that it is more likely than not that the state’s medical-marijuana laws completely authorized [his] conduct” (internal quotations omitted)).

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

AFFIRMED.