

MAY 06 2008

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NOT FOR PUBLICATION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.

MATTHEW EVANS DOWD,

Defendant - Appellant.

No. 07-30263

D.C. No. CR-03-00007-DWM

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Montana  
Donald W. Molloy, Chief District Judge, Presiding

Submitted April 22, 2008\*\*

Before: GRABER, FISHER and BERZON, Circuit Judges.

Matthew Evans Dowd appeals from the district court's determination,  
following remand pursuant to *United States v. Ameline*, 409 F.3d 1073 (9th Cir.

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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 finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

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2005) (en banc), that it would not have imposed a materially different sentence under an advisory Guidelines system.

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Dowd's counsel has filed a brief stating there are no grounds for relief, along with a motion to withdraw as counsel of record. We have provided the appellant 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, 80-81 (1988), discloses no arguable grounds for relief on direct appeal.

Accordingly, counsel's motion to withdraw is **GRANTED**, and the district court's order is **AFFIRMED**.