

JUL 11 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NOT FOR PUBLICATION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.

FRANCISCO MIGUEL ANGEL  
NAJERA-GORDILLO, a.k.a. Miguel  
Angel Gonzalez,

Defendant - Appellant.

No. 07-10068

D.C. No. CR-05-00383-WBS

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of California  
William B. Shubb, District Judge, Presiding

Submitted June 18, 2008\*\*

Before: REINHARDT, LEAVY, and W. FLETCHER, Circuit Judges.

Francisco Miguel Angel Najera-Gordillo appeals from his guilty-plea

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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).

conviction and the 292-month sentence imposed for possession with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1).

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), appellant's counsel, has filed a brief stating there are no grounds for relief on direct appeal, along with a motion to withdraw as counsel of record. Appellant has filed a pro se supplemental brief. Instead of an answering brief, appellee has filed a motion to dismiss.

We have conducted an independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 83 (1988), and we dismiss in light of the appeal waiver.

Counsel's motion to withdraw is **GRANTED**, the appellee's motion to dismiss is **GRANTED**, and the appellant's pro se motions are **DENIED** as moot.

**DISMISSED.**