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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p style="text-align: center;">Plaintiff - Appellee,</p> <p style="text-align: center;">v.</p> <p>KAYLEE ANN HENRY,</p> <p style="text-align: center;">Defendant - Appellant.</p>
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No. 07-30193

D.C. No. CR-05-00138-SEH

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Sam E. Haddon, District Judge, Presiding

Submitted January 13, 2009**

Before: O'SCANNLAIN, BYBEE and CALLAHAN, Circuit Judges.

Kaylee Ann Henry appeals from the 74-month sentence imposed, upon remand, following her guilty-plea conviction for conspiracy to possess with intent

* 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).

to distribute and to distribute methamphetamine, and maintaining drug-involved premises, in violation of 21 U.S.C. §§ 846 and 856, and 18 U.S.C. § 2.

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Henry's counsel has filed a brief stating there are no arguable 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 judgment is **AFFIRMED**.