

MAR 05 2009

MOLLY C. DWYER, CLERK  
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NOT FOR PUBLICATION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>ROBERT KUPAHU,</p> <p style="text-align: center;">Defendant - Appellant.</p>
---

No. 07-10310

D.C. No. CR-05-00490-3-HG

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Hawaii  
Helen Gillmor, District Judge, Presiding

Submitted February 18, 2009\*\*

Before: BEEZER, FERNANDEZ, and W. FLETCHER, Circuit Judges.

Robert Kupahu appeals from his guilty-plea conviction and 175-month sentence for conspiracy to provide an inmate of a prison with prohibited objects, in

---

\* 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).

violation of 18 U.S.C. §§ 371 and 1791(a)(1), and possession of prohibited objects while being an inmate, in violation of 18 U.S.C. §§ 1791(a)(1) and 2. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Kupahu's counsel has filed a brief stating there are no grounds for relief, along with a motion to withdraw as counsel of record. Kupahu 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, 80-81 (1988), discloses no arguable grounds for relief on direct appeal.

Counsel's motion to withdraw is **GRANTED**, and the district court's judgment is **AFFIRMED**.