

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 20 2017

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 17-10047

Plaintiff-Appellee,

D.C. No. 4:04-cr-02090-DCB

v.

MEMORANDUM\*

MARK ANTHONY SIMMONS,

Defendant-Appellant.

Appeal from the United States District Court  
for the District of Arizona  
David C. Bury, District Judge, Presiding

Submitted December 18, 2017\*\*

Before: WALLACE, SILVERMAN, and BYBEE, Circuit Judges.

Mark Anthony Simmons appeals from the district court's order denying his 18 U.S.C. § 3582(c)(2) motion for a sentence reduction. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Simmons's counsel has filed a brief stating that there are no grounds for relief, along with a motion to withdraw as counsel of

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\* 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).

record. We have provided Simmons 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 (1988), discloses no arguable grounds for relief on direct appeal.

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

**AFFIRMED.**