

NOT PRECEDENTIAL

IN THE UNITED STATES COURT
OF APPEALS
FOR THE THIRD CIRCUIT

NO. 09-3397

UNITED STATES OF AMERICA

v.

ALBERTO LUIS BOTA,
Appellant

On Appeal From the United States
District Court
For the Middle District of Pennsylvania
(D.C. Action No. 1-09-cr-00041-001)
District Judge: Hon. Sylvia H. Rambo

Submitted Pursuant to Third Circuit LAR 34.1(a)
May 28, 2010

BEFORE: McKEE, *Chef Judge*, RENDELL
and STAPLETON, *Circuit Judges*

(Opinion Filed : June 3, 2010)

OPINION OF THE COURT

STAPLETON, Circuit Judge:

Alberto Bota appeals his conviction, following a guilty plea, of conspiracy to distribute and possess with intent to distribute powder cocaine, crack cocaine, and marijuana. His attorney has moved to withdraw his representation under *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967). We will grant the motion to withdraw and will affirm the District Court’s judgment.

This Court’s rules provide that “[w]here, upon review of the district court record, trial counsel is persuaded that the appeal presents no issue of even arguable merit, counsel may file a motion to withdraw and supporting brief pursuant to *Anders*.” 3d Cir. LAR 109.2(a). If we concur with trial counsel’s assessment, we “will grant [the] *Anders* motion, and dispose of the appeal without appointing new counsel.” *Id.* Accordingly, our “inquiry when counsel submits an *Anders* brief is thus twofold . . . : (1) whether counsel adequately fulfilled the rule’s requirements; and (2) whether an independent review of the record presents any nonfrivolous issues.” *United States v. Youla*, 241 F.3d 296, 300 (3d Cir. 2001).

Our review of the record has convinced us that trial counsel’s *Anders* brief is adequate and that there are no nonfrivolous grounds on which to challenge the judgment

of conviction. Accordingly, we will grant counsel's motion to withdraw and will affirm the judgment of the District Court. In addition, we certify that the issues presented in this appeal lack legal merit and thus that counsel is not required to file a petition for writ of certiorari with the Supreme Court. 3d Cir. LAR 109.2(b).