

2005 WL 388158 (9th Cir.(Cal.))

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United States Court of Appeals, Ninth Circuit.
UNITED STATES OF AMERICA, Plaintiff--Appellee,
v.
April Jessica CADEZ, Defendant--Appellant.
No. 03-50382.
D.C. No. CR-03-00041-GLT.
Submitted Feb. 7, 2005. [\[FN**\]](#)

[FN**](#) This panel unanimously finds this case suitable for decision without oral argument.
See [Fed. R.App. P. 34\(a\)\(2\)](#).

Decided Feb. 18, 2005.

Office of the U.S. Attorney, Los Angeles, CA, Jeannie E. Masse, Esq., Office of the U.S. Attorney, Santa Ana, CA, for Plaintiff-Appellee.

April Jessica Cadez, Santa Barbara, CA, pro se.

Appeal from the United States District Court for the Central District of California, [Gary L. Taylor](#), District Judge, Presiding.

Before [FERNANDEZ](#), [GRABER](#), and GOULD, Circuit Judges.

MEMORANDUM [\[FN*\]](#)

[FN*](#) This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by [Ninth Circuit Rule 36-3](#).

***1** April Jessica Cadez appeals from her guilty-plea conviction and 37-month sentence for possessing counterfeit currency of the United States with intent to defraud, in violation of [18 U.S.C. § 472](#). Pursuant to [Anders v. California, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 \(1967\)](#), counsel for Cadez has filed a brief stating there are no grounds for relief, and a motion to withdraw as counsel of record. Cadez has not filed a pro se supplemental brief.

We have conducted an independent review of the record pursuant to [Penson v. Ohio, 488 U.S. 75, 83, 109 S.Ct. 346, 102 L.Ed.2d 300 \(1988\)](#). We affirm the conviction. In light of the brevity of the sentence, we vacate the sentence and remand for resentencing in light of [United States v. Booker, --- U.S. ---, ---, 125 S.Ct. 738, 769, --- L.Ed.2d ---, --- \(2005\)](#) and [United States v. Ameline, No. 02-30326, 2005 WL 350811 \(9th Cir. Feb.9, 2005\)](#).

Counsel's motion to withdraw as counsel on appeal is denied.

The conviction is AFFIRMED, and the sentence is VACATED and REMANDED.

C.A.9 (Cal.),2005.

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- [03-50382](#) (Docket) (Aug. 13, 2003)
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