

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 09-11077
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT July 24, 2009 THOMAS K. KAHN CLERK
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D. C. Docket No. 05-00071-CR-FTM-33-DNF

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CLAYTON K. UPSHAW,
a.k.a. Polk,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Florida

(July 24, 2009)

Before CARNES, PRYOR and HILL, Circuit Judges.

PER CURIAM:

Darlene M. Geiger, appointed counsel for Clayton K. Upshaw, has moved to

withdraw from further representation of the appellant and filed a brief pursuant to Anders v. California, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967). Our independent review of the entire record reveals that counsel's assessment of the relative merit of the appeal is correct. Because independent examination of the entire record reveals no arguable issues of merit, counsel's motion to withdraw is **GRANTED**, and the district court's denial of Upshaw's motion to reduce his sentence, pursuant to 18 U.S.C. § 3582(c)(2), is **AFFIRMED**.