

MAR 08 2010

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NOT FOR PUBLICATION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>Plaintiff - Appellee,</p> <p>v.</p> <p>ARTURO VILLA-HERNANDEZ,</p> <p>Defendant - Appellant.</p>
--

No. 08-10318

D.C. No. 4:07-cr-01300-JMR-JJM

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Arizona  
John M. Roll, Chief District Judge, Presiding

Submitted February 16, 2010\*\*

Before: FERNANDEZ, GOULD, and M. SMITH, Circuit Judges.

Arturo Villa-Hernandez appeals from his 46-month sentence for illegal reentry after deportation, in violation of 8 U.S.C. § 1326(a). Pursuant to *Anders v.*

---

\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

*California*, 386 U.S. 738 (1967), Villa-Hernandez’s counsel has filed a brief stating there are no grounds for relief, along with a motion to withdraw as counsel of record. We have provided the appellant 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, 80-81 (1988), discloses no arguable grounds for relief on direct appeal.

The record discloses that the appellant pleaded guilty without a plea agreement. Accordingly, we remand to the district court for the limited purpose of correcting the judgment to delete the reference to a plea agreement and appeal waiver. The district court’s judgment is affirmed in all other respects. Counsel’s motion to withdraw is granted.

**AFFIRMED; REMANDED to correct judgment.**