

APR 20 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ANGEL VASQUEZ-VASQUEZ,

Defendant - Appellant.

No. 06-10245

D.C. No. CR-05-01398-FRZ

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Frank R. Zapata, District Judge, Presiding

Submitted April 5, 2009**

Before: RYMER, McKEOWN, and PAEZ, Circuit Judges.

Angel Vasquez-Vasquez appeals from his guilty-plea conviction and 24-month sentence for conspiracy to transport illegal aliens and transportation of an

* 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).

illegal alien, in violation of 8 U.S.C. § 1324(a). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Vasquez-Vasquez's counsel has filed a brief stating there are no grounds for relief, along with a request to withdraw as counsel of record.

By order filed February 1, 2010, counsel was advised that the court appeared to lack jurisdiction over the appeal because appellant has been released from custody and his term of supervised release has expired. Counsel was ordered to move for voluntary dismissal or show cause why the appeal should not be dismissed. To date, counsel has not responded.

Because Vasquez-Vasquez has been released from custody and his term of supervised release has expired, we dismiss the appeal as moot. *See United States v. Palomba*, 182 F.3d 1121, 1123 (9th Cir. 1999).

Counsel's motion to withdraw is **GRANTED**, and the appeal is **DISMISSED**.