NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,	No. 09-50071
Plaintiff - Appellee,	D.C. No. 5:08-cr-00198-SGL
v.	
RAFAEL MURO-BONILLA,	MEMORANDUM[*]
Defendant - Appellant.	

Appeal from the United States District Court
for the Central District of California
Stephen G. Larson, District Judge, Presiding

Submitted May 25, 2010[**]

Before: CANBY, THOMAS, and W. FLETCHER, Circuit Judges.

Rafael Muro-Bonilla appeals from the 51-month sentence imposed

following his guilty-plea conviction for illegal reentry, in violation of 8 U.S.C.

§ 1326.   Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Rocha-Lopez's

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[*]   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).

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 with 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.

In accordance with *United States v. Rivera-Sanchez*, 222 F.3d 1057, 1062 (9th Cir.2000), we remand the case to the district court with instructions that it delete from the judgment the incorrect reference to § 1326(b)(2). *See United States v. Herrera-Blanco,* 232 F.3d 715, 719 (9th Cir.2000) (remanding sua sponte to delete the reference to § 1326(b)).

Upon remand, the district court judge should strike condition 4 of the terms of supervised release from the judgment because he did not announce it during the oral pronouncement of the sentence. *See United States v. Napier*, 463 F.3d 1040, 1042 (9th Cir. 2006).

Counsel's motion to withdraw is **GRANTED**, and the district court's judgment is **AFFIRMED**; and the case is **REMANDED** with instructions to correct the judgment.