

JUL 23 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LUIS ODILON MOLINA-HERNANDEZ,

Defendant - Appellant.

No. 09-10264

D.C. No. 2:09-cr-00140-PGR-1

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Paul G. Rosenblatt, District Judge, Presiding

Submitted June 29, 2010 **

Before: ALARCÓN, LEAVY, and GRABER, Circuit Judges.

Luis Odilon Molina-Hernandez appeals from his guilty-plea conviction and 57-month sentence for illegal reentry after deportation, in violation of 8 U.S.C.

* 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).

§ 1326(a).

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Molina-Hernandez's counsel has filed a brief stating there are no grounds for relief, along with a motion to withdraw as counsel of record. The appellant has not filed a pro se supplemental brief, but he has submitted a letter requesting appointment of new counsel. No 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.

Accordingly, counsel's motion to withdraw is **GRANTED**, and Molina-Hernandez's request for new counsel is **DENIED**.

DISMISSED.