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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p style="text-align: center;">Plaintiff - Appellee,</p> <p style="text-align: center;">v.</p> <p>RUFINO VALDEZ-LOPEZ,</p> <p style="text-align: center;">Defendant - Appellant.</p>

No. 08-10263

D.C. No. 2:07-CR-00428-EHC

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Earl H. Carroll, District Judge, Presiding

Submitted February 15, 2011**

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

Rufino Valdez-Lopez appeals from his jury-trial conviction and 240-month sentence for conspiracy to harbor illegal aliens, in violation of 8 U.S.C.

§ 1324(a)(1)(A)(iii), (a)(1)(A)(v)(I) and (II); harboring illegal aliens, in violation of 8 U.S.C. § 1324(a)(1)(A)(ii) and (a)(1)(A)(v)(II); conspiracy to commit hostage

* 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).

taking, in violation of 18 U.S.C. § 1203; hostage taking and aiding and abetting, in violation of 18 U.S.C. §§ 1203 and 2; and possession or use of a firearm in a crime of violence, in violation of 18 U.S.C. §§ 924(c) and 2. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Valdez-Lopez'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 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.

Accordingly, counsel's motion to withdraw is **GRANTED**, and the district court's judgment is **AFFIRMED**.