

MAR 15 2011

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NOT FOR PUBLICATION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.

ERNESTO CASTILLO-HEREDIA, a.k.a.
Arm Abogado-Rivera, a.k.a. Armando
Eduardo Abogado-Rivera, a.k.a. Heredia
Ernesto Castillo, a.k.a. Jesus Garcia, a.k.a.
Armando E. A. Rivera, a.k.a. Armando
Eduardo Rivera, a.k.a. Armando Eduardo
Rivera-Abogado,

Defendant - Appellant.

No. 10-30058

D.C. No. 1:09-cr-00144-EJL

MEMORANDUM*

Appeal from the United States District Court
for the District of Idaho
Edward J. Lodge, District Judge, Presiding

Submitted March 8, 2011**

Before: FARRIS, LEAVY, and BYBEE, Circuit Judges.

* 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).

Ernesto Castillo-Heredia appeals from his guilty-plea conviction and 78-month sentence for illegal reentry in violation of 8 U.S.C. § 1326(a). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Castillo-Heredia'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 have 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. We dismiss in light of the valid appeal waiver. *See United States v. Nguyen*, 235 F.3d 1179, 1182 (9th Cir. 2000).

Counsel's motion to withdraw is **GRANTED.**

DISMISSED.