

JUL 18 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NOT FOR PUBLICATION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.

RONALDO ADOLFO MENDEZ-
MARTINEZ, a.k.a. Carlos Alberto
Gutierrez, a.k.a. Felipe Lopez, a.k.a.
Phillip S. Lopez, a.k.a. Ronald Adolfo
Mendez-Martinez,

Defendant - Appellant.

No. 10-10306

D.C. No. 2:10-cr-00339-PGR

MEMORANDUM*

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

Submitted July 12, 2011**

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

Ronaldo Adolfo Mendez-Martinez appeals from his guilty-plea conviction
and the 52-month sentence for illegal re-entry after deportation, in violation of 8

* 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).

U.S.C. § 1326. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Mendez-Martinez'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.

In light of this court's recent decision in *Reina-Rodriguez v. United States*, -- F.3d --, 2011 WL 2465462 (June 22, 2011), we remand to the district court so that, using judicially noticeable documents, the district court can apply a modified categorical approach in determining whether Mendez-Martinez was necessarily convicted of or pleaded guilty to a drug trafficking offense with respect to his conviction under Ariz. Rev. Stat. § 13-3405. *Shepard v. United States*, 544 U.S. 13, 16 (2005); *Taylor v. United States*, 495 U.S. 575, 602 (1990).

The motion of Alex D. Gonzalez, 2300 W. Ray Road, Suite 1, Chandler, AZ 85224, to withdraw as counsel is **GRANTED**. The district court is instructed to appoint new counsel.

VACATED and REMANDED.