

OCT 03 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOSE MANUEL MENDOZA-RAMIREZ,  
AKA Jose Manuel Mendoza,

Defendant - Appellant.,

No. 10-50215

D.C. No. 8:09-cr-00013-DOC

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
David O. Carter, District Judge, Presiding

Submitted September 27, 2011\*\*  
San Francisco, California

Before: HAWKINS, SILVERMAN, and W. FLETCHER, Circuit Judges.

Jose Manuel Mendoza-Ramirez appeals from the 57-month sentence imposed following his guilty-plea conviction for being an illegal alien found in the

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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).

United States following deportation, in violation of 8 U.S.C. § 1326. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Mendoza-Ramirez'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.

In accordance with *United States v. Rivera-Sanchez*, 222 F.3d 1057, 1065-66 (9th Cir. 2000), we remand the case to the district court with instructions that it delete from the judgment the incorrect reference to section 1326(b). *See United States v. Herrera-Blanco*, 232 F.3d 715, 719 (9th Cir. 2000) (remanding sua sponte to delete the reference to section 1326(b)).

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