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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NOT FOR PUBLICATION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>LUCANO NUNEZ-CORREA,</p> <p style="text-align: center;">Defendant - Appellant.</p>

No. 10-10377

D.C. No. 4:10-cr-00383-DCB

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
David C. Bury, District Judge, Presiding

Submitted December 19, 2011**

Before: GOODWIN, WALLACE, and McKEOWN, Circuit Judges.

Lucano Nunez-Correa appeals from his guilty-plea conviction and the 51-month sentence for illegal re-entry after deportation, in violation of 8 U.S.C.

§ 1326. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Nunez-Correa’s counsel has filed a brief stating there are no grounds for relief, along with a motion

* 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).

to withdraw as counsel of record. Nunez-Correa filed a pro se supplemental brief, contending that the district court erred in applying a 16-level crime of violence enhancement under U.S.S.G. § 2L1.2(b)(1)(A)(ii). The government has filed an answering brief.

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.