

DEC 23 2011

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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NOT FOR PUBLICATION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>VICENTE SANCHEZ-GUZMAN,</p> <p style="text-align: center;">Defendant - Appellant.</p>
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No. 10-10461

D.C. No. 2:10-cr-00945-PGR

MEMORANDUM*

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

Submitted December 19, 2011**

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

Vicente Sanchez-Guzman appeals from his guilty-plea conviction and 63-month sentence for reentry of a removed alien, in violation of 8 U.S.C. § 1326.

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

* 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).

withdraw as counsel of record. We have provided Sanchez-Guzman with the opportunity to file a pro se supplemental brief. Sanchez-Guzman has filed a pro se supplemental brief, and no 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. We decline to address Sanchez-Guzman's claim of ineffective assistance of counsel on direct appeal as the record is insufficiently developed and his legal representation was not so inadequate that it can be concluded at this point that he obviously was denied his Sixth Amendment right to counsel. *See United States v. McKenna*, 327 F.3d 830, 845 (9th Cir. 2003) ("Claims of ineffective assistance of counsel are generally inappropriate 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**, and Sanchez-Guzman's motion for appointment of new counsel is **DENIED**.

DISMISSED.