

MAR 09 2012

MOLLY C. DWYER, CLERK
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NOT FOR PUBLICATION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>v.</p> <p>RIGOBERTO LOPEZ-ROQUE,</p> <p style="text-align: center;">Defendant - Appellant.</p>

No. 10-10419

No. 10-10420

D.C. No. 4:10-cr-00061-DCB

D.C. No. 4:10-cr-50013-DCB

MEMORANDUM*

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

Submitted March 6, 2012**

Before: B. FLETCHER, REINHARDT, and TASHIMA, Circuit Judges.

In these consolidated appeals, Rigoberto Lopez-Roque appeals from his guilty-plea conviction and 51-month sentence for re-entry after deportation, in violation of 8 U.S.C. § 1326; and the district court’s judgment revoking his supervised release and imposing a six-month consecutive sentence. Pursuant 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).

Anders v. California, 386 U.S. 738 (1967), Lopez-Roque’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. Lopez-Roque has filed a supplemental brief. A supplemental answering brief has not 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.

Counsel’s motion to withdraw is **GRANTED**, and the district court’s judgment is **AFFIRMED**.

In light of the foregoing, Lopez-Roque’s “motion for direct notification by court to appellant” and the government’s motion for summary affirmance are **DENIED**.