

JUL 19 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NOT FOR PUBLICATION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>JESUS MARIO SERRANO-PEREZ, AKA Ariel Saldo var-Perez, AKA James Serrano, AKA Jesus Serrano, AKA Jesus M. Serrano,</p> <p style="text-align: center;">Defendant - Appellant.</p>
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No. 11-50058

D.C. No. 2:10-cr-00883-SJO-1

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
S. James Otero, District Judge, Presiding

Submitted July 17, 2012**

Before: SCHROEDER, THOMAS and SILVERMAN, Circuit Judges.

Jesus Mario Serrano-Perez appeals from his 60-month sentence, imposed after his guilty plea to being an illegal alien found in the United States after having

* 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).

been previously removed, in violation of 8 U.S.C. § 1326(a). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Serrano-Perez's counsel has filed a brief stating there are no grounds for relief, along with a motion to withdraw as counsel of record. Appellant has filed a pro se supplemental 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.¹

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

¹ We decline to review Serrano-Perez's ineffective assistance of counsel claim because the record is not sufficiently developed to permit review on direct appeal. *See United States v. Leasure*, 319 F.3d 1092, 1099 (9th Cir. 2003).