

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

SEP 20 2012

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

VICENTE ORTIZ-HERNANDEZ,

Defendant - Appellant.

No. 11-10573

D.C. No. 4:10-cr-03837-RCC

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Philip G. Reinhard, District Judge, Presiding**

Submitted September 10, 2012***

Before: WARDLAW, CLIFTON, and N.R. SMITH, Circuit Judges.

Vicente Ortiz-Hernandez appeals from the 36-month sentence imposed following his guilty-plea conviction for reentry after deportation, in violation of 8

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The Honorable Philip G. Reinhard, Senior United States District Judge for the Northern District of Illinois, sitting by designation.

*** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

U.S.C. § 1326. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Ortiz-Hernandez'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 Ortiz-Hernandez 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 (1988), discloses no arguable grounds for relief on direct appeal.

Counsel's motion to withdraw is **GRANTED**.

AFFIRMED.