

NOV 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NOT FOR PUBLICATION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>Plaintiff - Appellee,</p> <p>v.</p> <p>JOSE DIAZ-HERNANDEZ,</p> <p>Defendant - Appellant.</p>

No. 11-10643

D.C. No. 2:11-cr-00159-NVW

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Joseph M. Hood, District Judge, Presiding**

Submitted November 13, 2012***

Before: CANBY, TROTT, and W. FLETCHER, Circuit Judges.

Jose Diaz-Hernandez appeals from his guilty-plea conviction and 51-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), Diaz-Hernandez’s counsel has filed a

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

** The Honorable Joseph M. Hood, Senior United States District Judge for the Eastern District of Kentucky, sitting by designation.

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

brief stating that there are no grounds for relief, along with a motion to withdraw as counsel of record. We have provided Diaz-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.