

JAN 16 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RENE MARTINEZ-ENCINAS,

Defendant - Appellant.

No. 11-10282

D.C. No. 4:04-cr-01418-DCB

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Arizona  
Wm. Fremming Nielsen, District Judge, Presiding\*\*

Submitted January 15, 2013\*\*\*

Before: SILVERMAN, BEA, and NGUYEN, Circuit Judges.

Rene Martinez-Encinas appeals from the judgment revoking supervised release and the 46-month sentence imposed upon revocation. Pursuant to *Anders v.*

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

\*\* The Honorable Wm. Fremming Nielsen, Senior United States District Judge for the Eastern District of Washington, sitting by designation.

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

*California*, 386 U.S. 738 (1967), Martinez-Encinas’s counsel has filed a brief stating that there are no grounds for relief, along with a motion to withdraw as counsel of record. Martinez-Encinas has filed a pro se supplemental brief. The government has not filed an answering brief.

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**.

The government’s motion to dismiss this appeal is **DENIED**.

**AFFIRMED.**