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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## NOT FOR PUBLICATION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.

ALFONSO CONTRERAS-LEON,

Defendant - Appellant.

No. 11-10482

D.C. No. 5:10-cr-00149-EJD-1

MEMORANDUM\*

Appeal from the United States District Court  
for the Northern District of California  
Edward J. Davila, District Judge, Presiding

Argued and Submitted September 9, 2013  
San Francisco, California

Before: SCHROEDER and BYBEE, Circuit Judges, and BATTAGLIA, District  
Judge.\*\*

Alfonso Contreras-Leon appeals his conviction, after a guilty plea, of illegal reentry in violation of 8 U.S.C. § 1326. He seeks to challenge the validity of his 1998 removal. Because he entered an unconditional guilty plea, he waived his

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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 Anthony J. Battaglia, United States District Judge for the Southern District of California, sitting by designation.

right to appeal. *See* Fed. R. Crim. P. 11(a)(2). Even if there were some ambiguity in connection with the waiver, however, his appeal would lack merit. The subsequent removal in 2001 was also charged in the indictment and constituted an independent basis for his conviction.

The appeal is **DISMISSED**.