

JUL 28 2014

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

GUILLERMO GARCIA-AVITIA, a.k.a.
Guillermo Garcia-Auitia,

Defendant - Appellant.

Nos. 13-10050
13-10051

D.C. Nos. 2:12-cr-01412-NVW
2:12-cr-50141-NVW

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Howard D. McKibben, District Judge, Presiding**

Submitted July 22, 2014***

Before: GOODWIN, CANBY, and CALLAHAN, Circuit Judges.

In these consolidated appeals, Guillermo Garcia-Avitia appeals from his

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

** The Honorable Howard D. McKibben, Senior United States District Judge for the District of Nevada, sitting by designation.

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

guilty-plea conviction and 36-month sentence for reentry of a removed alien, in violation of 8 U.S.C. § 1326; and the revocation of supervised release and consecutive 12-month sentence imposed upon revocation. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Garcia-Avitia's counsel has filed a brief stating that there are no grounds for relief, along with a motion to withdraw as counsel of record. We have provided Garcia-Avitia 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.