

SEP 01 2015

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NOT FOR PUBLICATION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.

JESUS FRIAS-VIRAMONTES, a.k.a.
Jesus Frias, a.k.a. J. Jesus Frias-
Viramontes,

Defendant - Appellant.

No. 14-10003

D.C. No. 4:13-cr-01223-JGZ

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Linda R. Reade, District Judge, Presiding**

Submitted August 25, 2015***

Before: McKEOWN, CLIFTON, and HURWITZ, Circuit Judges.

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

** The Honorable Linda R. Reade, Chief United States District Judge for the Northern District of Iowa, sitting by designation.

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

Jesus Frias-Viramontes appeals from the district court's judgment and challenges his guilty-plea conviction and 57-month sentence for reentry after deportation, in violation of 8 U.S.C. § 1326. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Frias-Viramontes'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 Frias-Viramontes 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.

The record reflects that Frias-Viramontes pleaded guilty to reentry after deportation, not to attempted reentry after deportation. We remand the case to the district court to correct the judgment.

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

AFFIRMED; REMANDED to correct the judgment.