

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 14 2017

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

JOSE ALVARO AGUILERA-MENDOZA,
a.k.a. Jose Alvarado Aguilera-Mendoza,

Defendant-Appellant.

No. 16-10279

D.C. No. 2:05-cr-00314-FJM

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Frederick J. Martone, District Judge, Presiding

Submitted August 9, 2017**

Before: SCHROEDER, TASHIMA, and M. SMITH, Circuit Judges.

Jose Alvaro Aguilera-Mendoza appeals from the district court's order denying his 18 U.S.C. § 3582(c)(2) motion for a sentence reduction. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Aguilera-Mendoza's counsel has filed a brief stating that there are no grounds for relief, along with a motion to withdraw

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

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

as counsel of record. We have provided Aguilera-Mendoza 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**. Aguilera-Mendoza's pro se motion for appointment of new counsel is **DENIED**.

AFFIRMED.