FILED
United States Court of Appeals
Tenth Circuit

December 15, 2009

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES COURT OF APPEALS

TENTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

GILBERTO RODRIGUEZ-PORRAS,
a/k/a Juan Carlos Nevarez-Garcia,
a/k/a Manuel Martinez-Porras, a/k/a
Miguel Mendez, a/k/a Luis Serrano,
a/k/a Juan Carlos Nevarez, a/k/a
Gilberto Rodriguez,

Defendant - Appellant.

No. 09-1099

(D. Colorado)

(D.C. No. 1:08-CR-00394-WYD-1)

ORDER AND JUDGMENT[*]

Before **HARTZ**, **SEYMOUR**, and **EBEL,** Circuit Judges.

On December 11, 2008, Gilberto Rodriguez-Porras pleaded guilty in the

United States District Court for the District of Colorado to one count of

reentering the country after having been previously deported following conviction

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[*]After examining the briefs and appellate record, this panel has determined unanimously to honor the party's request for a decision on the briefs without oral argument. *See* Fed. R. App. P. 34(f); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument. This order and judgment is not binding precedent except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

of an aggravated felony. *See* 8 U.S.C. §§ 1326(a), (b)(2). The district court

sentenced him to 64 months' imprisonment, and he appealed. Finding no

meritorious issues for appeal, his counsel has submitted an *Anders* brief and a

motion for leave to withdraw. *See Anders v. California*, 386 U.S. 738 (1967).

Counsel provided Mr. Rodriguez-Porras with a copy of the brief, but

Mr. Rodriguez-Porras has filed no response with this court. We have jurisdiction

under 28 U.S.C. § 1291.

Counsel's *Anders* brief fully and accurately addresses the issues, and we

agree with counsel that there are no meritorious issues for appeal.

We GRANT counsel's motion to withdraw and DISMISS the appeal.

ENTERED FOR THE COURT

Harris L Hartz
Circuit Judge