

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 2 2017

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

ALBERTO HERRERA-ARTEAGA, a.k.a.  
Alberto Herrera Arteaga, a.k.a. Juan A. Rita-  
Herrera, a.k.a. Juan Alberto Rita-Herrera,

Defendant-Appellant.

Nos. 16-10493  
16-10494

D.C. Nos. 2:11-cr-01154-RM  
4:15-cr-01804-RM

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Arizona  
Rosemary Marquez, District Judge, Presiding

Submitted September 26, 2017\*\*

Before: SILVERMAN, TALLMAN, and N.R. SMITH, Circuit Judges.

In these consolidated appeals, Alberto Herrera-Arteaga appeals his guilty-plea conviction and 51-month sentence for reentry of a removed alien, in violation of 8 U.S.C. § 1326, and the revocation of supervised release and concurrent 18-

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\* 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).

month sentence imposed upon revocation. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Herrera-Arteaga'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 Herrera-Arteaga 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 these direct appeals.

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

**AFFIRMED.**