

APR 22 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JUAN REYES-CASTANEDA,

Defendant - Appellant.

No. 09-30263

D.C. No. 3:09-cr-05148-RBL

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Ronald B. Leighton, District Judge, Presiding

Submitted April 16, 2013**

Before: CANBY, IKUTA, and WATFORD, Circuit Judges.

Juan Reyes-Castaneda appeals from the district court's judgment and challenges his guilty-plea conviction and 29-month and 1-week sentence for two counts of unlawful entry by eluding examination and inspection by immigration

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

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

officers, in violation of 8 U.S.C. § 1325(a)(2). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Reyes-Castaneda'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 Reyes-Castaneda 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 as to Reyes-Castaneda's conviction. We accordingly affirm Reyes-Castaneda's conviction.

Because Reyes-Castaneda completed his sentence during the pendency of this appeal, we dismiss Reyes-Castaneda's challenge to his sentence as moot. *See United States v. Tapia-Martinez*, 361 F.3d 535, 537 (9th Cir. 2004).

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

AFFIRMED in part; DISMISSED in part.