

**FILED**

UNITED STATES COURT OF APPEALS

MAR 14 2012

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOSE MANUEL RODRIGUEZ-  
ALVAREZ,

Defendant - Appellant.

No. 11-10009

D.C. No. 2:10-cr-00883-SRB-1

District of Arizona,

Phoenix

ORDER

Before: FERNANDEZ, McKEOWN, and BYBEE, Circuit Judges.

Plaintiff's motion to amend the memorandum disposition is granted.

The memorandum disposition filed on March 5, 2012 is withdrawn. A replacement memorandum disposition will be filed concurrently with this order.

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JOSE MANUEL RODRIGUEZ-  
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Defendant - Appellant.

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D.C. No. 2:10-cr-00883-SRB-1

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Arizona  
Susan R. Bolton, District Judge, Presiding

Submitted February 21, 2012\*\*

Before: FERNANDEZ, McKEOWN, and BYBEE, Circuit Judges.

Jose Manuel Rodriguez-Alvarez appeals from his guilty-plea conviction and 30-month sentence imposed for re-entry of a removed alien, in violation of 8 U.S.C. § 1326. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Rodriguez-

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\* 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).

Alvarez's counsel has filed a brief stating there are no grounds for relief, along with a motion to withdraw as counsel of record. We have provided Rodriguez-Alvarez 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 *Penon v. Ohio*, 488 U.S. 75, 80-81 (1988), discloses no arguable grounds for relief on direct appeal.

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

**AFFIRMED.**