

OCT 22 2013

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff - Appellee,</p> <p>v.</p> <p>MAXIMILIANO MENDEZ-BALTAZAR,</p> <p>Defendant - Appellant.</p>

Nos. 12-10582
12-10583

D.C. Nos. 2:12-cr-50133-SMM
2:12-cr-01510-SMM

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Stephen M. McNamee, District Judge, Presiding

Submitted October 15, 2013**

Before: FISHER, GOULD, and BYBEE, Circuit Judges.

In these consolidated appeals, Maximiliano Mendez-Baltazar appeals his guilty-plea conviction and 63-month sentence for reentry of a removed alien, in violation of 8 U.S.C. § 1326; and the revocation of supervised release and consecutive 18-month sentence imposed upon revocation. Pursuant to *Anders v.*

* 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).

California, 386 U.S. 738 (1967), Mendez-Baltazar’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 Mendez-Baltazar 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**.

AFFIRMED.