

FILED

OCT 01 2007

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ANGEL RAMON BARRAZA-
ARBALLO,

Defendant - Appellant.

No. 05-50772

D.C. No. CR-04-01068-JSL

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
J. Spencer Letts, District Judge, Presiding

Submitted September 24, 2007**

Before: CANBY, TASHIMA, and RAWLINSON, Circuit Judges.

Angel Ramon Barraza-Arballo appeals from his guilty-plea conviction and 46-month sentence imposed for being an illegal alien found in the United States following deportation, in violation of 8 U.S.C. § 1326.

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

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

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), counsel for Barraza-Arballo has filed a brief stating there are no grounds for relief, and a motion to withdraw as counsel of record. No pro se or government brief has been filed.

Our independent review of the record pursuant to *Penon v. Ohio*, 488 U.S. 75, 83-84 (1988), discloses no grounds for relief. Accordingly, we affirm the district court's judgment.

In accordance with *United States v. Rivera-Sanchez*, 222 F.3d 1057, 1062 (9th Cir. 2000), we remand the case to the district court with instructions that it delete from the judgment the incorrect reference to § 1326(b)(2). *See United States v. Herrera-Blanco*, 232 F.3d 715, 719 (9th Cir. 2000) (remanding sua sponte to delete the reference to § 1326(b)).

We grant counsel's motion to withdraw. The motion for substitution of counsel, filed on December 26, 2006, by counsel for appellant, is denied as moot.

AFFIRMED; REMANDED.