

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FILED

FOR THE NINTH CIRCUIT

SEP 09 2008

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JESUS ANTONIO ENRIQUEZ-
MONTANO, aka Antonio Enriquez-
Montano; et al.,

Defendant - Appellant.

No. 07-10325

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

D.C. No. CR-06-00910-DCB

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
David C. Bury, District Judge, Presiding

Submitted August 26, 2008**

Before: SCHROEDER, KLEINFELD, and IKUTA, Circuit Judges.

Jesus Antonio Enriquez-Montano appeals from the 63-month sentence imposed following his guilty-plea conviction for illegal reentry after deportation, in

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

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

violation of 8 U.S.C. § 1326(a).

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Enriquez-Montano'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 the appellant the opportunity to file a pro se supplemental brief. We construe the document received March 12, 2008, as a motion to file a late pro se supplemental brief as well as a pro se supplemental brief. So construed, the motion to file a late pro se supplemental brief is granted. The Clerk shall file the pro se supplemental brief received on March 12, 2008.

Our independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 80-81 (1988), discloses no arguable grounds for relief on direct appeal.

Accordingly, counsel's motion to withdraw is **GRANTED**, and the district court's judgment is **AFFIRMED**.