

OCT 2 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NOT FOR PUBLICATION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.

NOE AISPURO-VIDANA,

Defendant - Appellant.

No. 06-10761

D.C. No. CR-05-01178-MHM

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Mary H. Murguia, Distict Judge, Presiding

Submitted September 24, 2007**

Before: CANBY, TASHIMA and RAWLINSON, Circuit Judges.

Noe Aispuro-Vidana appeals from his guilty-plea conviction and 37-month sentence for illegal reentry after deportation, in violation of 8 U.S.C. § 1326(a).

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Aispuro-Vidana's counsel

* 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).

has filed a brief stating that he finds no meritorious issues for review, along with a motion to withdraw as counsel of record. No pro se supplemental brief or answering brief has been filed.

Because the record indicates that Aispuro-Vidana knowingly and voluntarily waived his right to appeal his conviction and sentence, we enforce the waiver and dismiss the appeal. *See United States v. Nguyen*, 235 F.3d 1179, 1182 (9th Cir. 2000).

Accordingly, we **GRANT** counsel's motion to withdraw.

DISMISSED.