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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOSE MANUEL ROSALES-AVALOS,

Defendant - Appellant.

No. 08-10111

D.C. No. 4:07-cr-01160-DCB

MEMORANDUM\*

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

Submitted October 13, 2009\*\*

Before: B. FLETCHER, LEAVY, and RYMER, Circuit Judges.

Jose Manuel Rosales-Avalos appeals from his guilty-plea conviction and 46-month sentence for illegal re-entry after deportation, in violation of 8 U.S.C.

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

§ 1326(a). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Rosales-Avalos' 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 with the opportunity to file a pro se supplemental brief. The appellant has not filed a pro se supplemental brief, but has filed a request to relieve counsel and proceed in propria persona. The government has filed a letter indicating that it does not intend to file an answering brief.

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**. The appellant's request to proceed in propria persona is **DENIED**. We **REMAND** to the district court for the limited purpose of correcting the judgment to strike the erroneous references to a plea agreement and an appeal waiver.