

SEP 20 2012

MOLLY C. DWYER, 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NOT FOR PUBLICATION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.

FERNANDO RAMIREZ-MENDOZA,
a.k.a. Fernando M. Ramirez, a.k.a. Jesus
Ramirez,

Defendant - Appellant.

No. 11-50251

D.C. No. 2:10-cr-01276-ODW

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Otis D. Wright, District Judge, Presiding

Submitted September 10, 2012**

Before: WARDLAW, CLIFTON, and N.R. SMITH, Circuit Judges.

Fernando Ramirez-Mendoza appeals from his guilty-plea conviction and 12-month and 1-day sentence for being an illegal alien in possession of firearms, in

* 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).

violation of 18 U.S.C. § 922(g)(5)(A). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Ramirez-Mendoza'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 Ramirez-Mendoza the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Ramirez-Mendoza waived his right to appeal his conviction, with the exception of an appeal based on a claim that his plea was involuntary. He also waived the right to appeal five specified issues related to his sentence. Our independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 80 (1988), discloses no arguable grounds for relief as to Ramirez-Mendoza's plea or any sentencing issue outside the scope of the appeal waiver. We therefore affirm as to those issues. We dismiss the remainder of the appeal in light of the valid appeal waiver. *See United States v. Nguyen*, 235 F.3d 1179, 1182 (9th Cir. 2000).

Counsel's motion to withdraw is **GRANTED**.

AFFIRMED in part; **DISMISSED** in part.