

FILED

JUL 11 2016

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NOT FOR PUBLICATION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.

JOSE GUADALUPE HERNANDEZ,
a.k.a. Serio,

Defendant - Appellant.

No. 14-50225

D.C. No. 2:12-cr-00543-PA-2

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Percy Anderson, District Judge, Presiding

Submitted July 7, 2016**

Before: HUG, FARRIS, and CANBY, Circuit Judges.

Jose Guadalupe Hernandez appeals from the district court's judgment and challenges the 121-month sentence imposed following his guilty-plea conviction for conspiracy to distribute methamphetamine, in violation of 21 U.S.C. §§ 846

* 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).

and 841(b)(1)(A)(viii). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Hernandez's counsel has filed a brief stating that there are no grounds for relief, along with a motion to withdraw as counsel of record. We have provided Hernandez the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Hernandez waived his right to appeal his sentence, although he retained the right to appeal some conditions of supervised release. Our independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 80 (1988), discloses no arguable grounds for relief regarding the terms and conditions of supervised release. We therefore affirm as to that issue. We dismiss the remainder of the appeal in light of the valid appeal waiver. See *United States v. Watson*, 582 F.3d 974, 986-88 (9th Cir. 2009).

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

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